

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY.

SECOND ASSEMBLY.

TENTH SESSION 1942/1117.

OFFICIAL REPORT.

SECOND MEETING.

Thursday, the 26th March 1942/13th Meecham 1117.

The Sri Mulam Assembly met again in the Legislative Chamber, Public Offices, at Eleven of the Clock with Mr. S. Chattanatha Karayalar, Deputy President in the Chair.

MEMBERS SWORN.

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

1. Mr. A. Gopala Menon (*Director of Public Instruction*),
2. Dr. K. L. Moudgill (*Ag. Pro-Vice-Chancellor*),
3. Mr. K. P. Padmanabha Menon (*Electrical Engineer to Government*) and
4. Mr. S. N. Ure (*Public Service Commissioner*).

QUESTIONS AND ANSWERS.

Paddy fields in Parur taluk and prawn fishing.

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

(a) the extent of paddy fields in Parur taluk where Pokkali cultivation is being carried on;

(b) whether they have considered the necessity of levying any additional tax for prawn fishing in those fields; and

(c) if so, what action they have taken in the matter?

DR. K. L. MOUDGILL (*Ag. Pro-Vice-Chancellor*): (a) 4600 acres approximately

(b) Yes.

(c) The Travancore Fisheries (Amendment) Act XIII of 1117 has been passed prohibiting the attraction of prawns into private waters except under a license. The rules to be framed for giving effect to the provisions of the Act are under consideration.

Kuriathodu and Gnarathodu in Parur.

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

(a) whether they had given permission to any body to close up the Kuriathodu and Gnarathodu in Parur taluk for fishing purposes and if so, to whom and for how long ;

(b) if there is any notification or order of the Government dated 15-12-1115 prohibiting such closures ;

(c) if there is any such, why permission was granted in this case contrary to that ; and

(d) whether they have received any representations detailing the grievances of the locality due to the closure of these canals and, if so, what action was taken in the matter ?

DR. K. L. MOUDGILL : (a) Yes. Mr. Chumar Augusti, Melyakal, Kuzhupullai Village, Kanayannur, from Thulam 1116 to Medom 1116.

(b) No.

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

(d) Yes. The bund was opened by the Fisheries Department and it is not being put up this year.

Krishnavilasom English Middle School at Edapally.

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

(a) whether they propose to hand over the Krishnavilasom Government English Middle School at Edapally to the Edapally Swaroopam or to any other private agency ;

(b) if so, to whom ; and the number of applicants for the same ;

(c) whether they are aware that the public have protested against such handing over ; and

(d) whether the people in public meeting assembled have not represented their grievances on the matter to Government.

MR. A. GOPALA MENON (Director of Public Instruction) : (a) The manager of the Edapally Swaroopam applied to the Government that the Departmental English Middle School at Edapally might be transferred to the management of the Swaroopam and this application is under consideration.

(b) In view of answer to (a) above, the first part of the question does not arise. Only the manager of the Swaroopam applied.

(c) Yes.

(d) Yes.

Provident Fund system in Grant-in-aid Schools.

140. *MR. G. VELU PILLAI (Karunagapalli cum Kartikapalli) : Will the Government be pleased to state :-

(a) the number of grant-in-aid English Schools in the State in which provident fund system has been introduced ; and

(b) the number of such schools in which provident fund has not been introduced ?

MR. A. GOPALA MENON : (a) 17.

(b) 28.

MR. G. VELU PILLAI : May I know whether Government cannot compel the managements of the schools to introduce the provident fund system?

MR. A. GOPALA MENON : At present the system is on a voluntary basis.

MR. G. VELU PILLAI : May I know whether all the teachers of private schools are getting the benefit of provident fund in those schools where it has been introduced?

MR. A. GOPALA MENON : Only those who subscribe to the fund get the benefit of it.

Public Service.

141. * MR. P. S. MUHAMED (Quilon cum Kottarakara) : Will the Government be pleased :

(a) to lay on the table a copy of the Government order placing all appointments carrying a salary of above Rs. 20 in the intermediate grade; and

(b) to state the reasons and circumstances that prompted the Government to make such modification in the rules governing the appointments in public service?

MR. S. N. URE (Public Service Commissioner) : (a) No such order has been passed.

(b) In view of the answer to part (a), this does not arise.

Visitors to the Aquarium.

142. * MR. G. VELU PILLAI : Will the Government be pleased to state :

(a) the average number of visitors per day in the Aquarium;

(b) whether any fee is fixed for visitors;

(c) if so, how much it is;

(d) the amount collected up-to-date from tickets sold to visitors;

(e) the number of varieties of fish in the Aquarium at present;

and

(f) the name of the person who is in charge of the Aquarium?

DR. K. L. MOUDGILL : (a) 100.

(b) Yes.

(c) One chuckram per head.

(d) Rs. 1,780-17-0.

(e) 27 varieties of fresh and brackish water fish and 24 varieties of marine fish.

(f) Mr. A. Paramoo, M. Sc. acting Curator working under the direct supervision of Dr. C. C. John, Professor of Marine Biology and Fisheries.

Aquarium.

143. * MR. VARKALA K. MADHAVAN (Chirayinkil cum Nedumangad) : Will the Government be pleased to state :

(a) the number of the varieties of fish which had been in the Aquarium on 1-4-1116; and

(b) how many of them are extinct at present (5-4-1117) in the Aquarium?

DR. K. L. MOUDGILL : (a) 24 varieties, of which 9 were of marine, 7 of brackish water and 8 of fresh water fish.

(b) the question is not understood.

The Broadcasting Scheme.

144. *MR. G. VELU PILLAI : Will the Government be pleased to state :

- (a) at what stage the Broadcasting Scheme is at present ;
- (b) the date when Government expect to release programmes ;

and

(c) whether any preliminary work for the Programme Department has been begun ?

MR. K. P. PADMANABHA MENON (*Electrical Engineer to Government*) :

(a) All the equipments for the Transmittings ordered from Messrs. Standard Telephone Co., Calcutta have arrived excepting one Induction Regulator, one Air Blower and seven valves with some minor accessories. The firm have been asked to intimate the date by which their Erector could be expected for taking up the erection of the equipments and their reply is awaited.

(b) In the present conditions it is not possible to say when the scheme can be worked and programmes released.

(c) No.

Higher Grade Training School for Women at Trivandrum.

145. *MR. G. VELU PILLAI : Will the Government be pleased to state :

(a) whether benches are provided to seat girl students in all classes in the Higher Grade Training School for Women at Trivandrum (the Cotton Hill High School) ;

(b) if the answer to part (a) is in the negative, the classes that have no benches,

(c) the reasons for the same : and

(d) whether in the case of grant-in-aid schools, providing sufficient seating accommodation is a condition precedent to grant being given ?

MR. A. GOPALA MENON : (a) No.

(b) Primary Classes.

(c) Mats are used to sit on.

(d) Yes.

Circular re: exempting teachers from undergoing training.

146. *MR. G. VELU PILLAI : Will the Government be pleased to state :

(a) whether there was any circular at any time, exempting teachers, above the age of 35 and with 15 years' service, from undergoing training ;

(b) if so, the date of that circular ;

(c) the number of persons that had applied for exemption under this circular ;

(d) whether all the teachers who had the necessary qualifications and who had applied, were exempted ;

(e) if not, why not : and

(f) whether that circular has been subsequently changed and if so why ?

MR. A. GOPALA MENON : (a) No.

(b) to (f) In view of the answer to part (a) above, these do not arise.

Aluminium Factory at Alwaye.

147. * MR. VARKALA K. MADHAVAN : Will the Government be pleased to state the terms of their agreement with the proprietors of the Aluminium Factory at Alwaye?

MR. K. P. PADMANABHA MENON : A * copy of the summary of the terms of Agreement is placed on the table.

Aluminium Factory at Alwaye.

148. * MR. K. P. KOCHUKORA THARAKAN (*Kannatnad cum Patnur*) : Will the Government be pleased :

(a) to state whether they have entered into any agreement with the proprietors of the Aluminium Factory at Alwaye, and if so, to lay on the table a statement detailing the terms thereof, or a copy of the agreement itself; and

(b) to state the rate per unit at which electric current is being sold to the said company?

MR. K. P. PADMANABHA MENON : (a) Yes. A *summary of the terms of the agreement is laid on the table.

(b) 1. for the first supply of 4500 K. W. of firm power, the rate shall be Bh. Rs. 70 (Seventy) per Kilowatt of demand per year.

2. The rate for the 3000 K. W. of firm power in excess of the first 4500 K. W. shall be Bh. Rs. 72-8 per Kilowatt of demand per year.

3. The rate for the full supply of 14,000 K. W. of firm power, plus or minus 5%, shall be Bh. Rs. 70 (Seventy) per Kilowatt of demand per year in respect of the first 4500 K. W., Bh. Rs. 72-8 per Kilowatt of demand per year for the next 3000 K. W., and Bh. Rs. 75 per Kilowatt of demand per year in respect of the balance.

4. The rate for 1000 K. W. of seasonal power and the rate for seasonal power up to a total of 2500 K. W. shall be Bh. Rs. 6 per Kilowatt of demand per month.

5. If at any time the Government and the Company agree to deliver and purchase respectively any amount of power in excess of the contract amount, the Company shall pay for such excess power at the rate of Bh. Rs. 75 per Kilowatt per year.

6. The minimum monthly payment for the 4500 K. W. of firm power shall be Bh. Rs. 21,000 per month. On the delivery by Government of 7500 K. W. of firm power the minimum monthly payment shall be increased to Bh. Rs. 35,000 per month. On the delivery of 14,000 K. W. of firm power, plus or minus 5% the minimum monthly payment shall be increased to Bh. Rs. 68,000 per month.

Aluminium Factory at Alwaye.

149. * MR. A. K. KUMARAN VAIDYAN : Will the Government be pleased to state whether they have entered into any agreement with the management of the Aluminium Factory at Alwaye regarding the employment of Travancoreans, in the factory and if so, the terms of the agreement?

MR. K. P. PADMANABHA MENON : There is no provision in the contract entered into with the Government by the Aluminium Production Company, regarding the employment of Travancoreans in the factory. The Company have however given a definite assurance based on exchange of letters that they will always give preference to Travancoreans in the matter of recruitment of labour and staff provided that candidates with suitable qualifications are available.

New areas to be added to the Alleppey Municipality.

150. * MR. P. S. MUHAMED : Will the Government be pleased to state :

(a) the extent of the areas of the portions on either side of the town limits proposed to be included in the Alleppey Municipality ;

(b) the number of roads and streets that exist in the proposed areas ; and

(c) whether there are water-logged areas within these proposed portions ?

MR. C. P. GOPALA PANICKAR (*Ag. Secretary to Government*) : (a) the area proposed to be included within the town limits is about 7 sq. miles (3½ sq. miles in the north and 3½ sq. miles in the south.)

(b) There are 12 roads and 12 lanes. There are no streets.

(c) There are water-logged areas in the proposed portions. Most of them are low-lying portions of punja fields.

MR. P. S. MUHAMED : ഒരുപക്ഷേ മുനിസിപ്പൽ ഓഫീസായുടെ അപ്പുറത്തും ഇപ്പുറത്തുമായി കറച്ച സ്ഥലം കിട്ടുമെന്നല്ലാതെ അതുകൊണ്ട് പ്രയോജനമൊന്നുമില്ലെന്നറിയാമോ ?

MR. C. P. GOPALA PANICKAR : മുനിസിപ്പാലിറ്റി വേണ്ടവണ്ണം ശ്രദ്ധിക്കാമെങ്കിൽ അവിടെ ഏല്പാ സ്ഥലവും മുനിസിപ്പാലിറ്റിയുടെ ഉപയോഗത്തിനു സൗകര്യമായ വിധം നന്നാക്കി എടുക്കുവാൻ കഴിയും.

MR. P. S. MUHAMED : മുനിസിപ്പാലിറ്റി ഓഫീസുകളുള്ള ഒരു അര ഏക്കർ സ്ഥലം പോലും നന്നാക്കി എടുക്കാൻ മുനിസിപ്പാലിറ്റിക്കു സാധിച്ചിട്ടില്ലാത്തസ്ഥിതിക്ക് ഇത്രയും വലിയ ഓഫീസാ നന്നാക്കി എടുക്കാൻ സാധിക്കുമെന്നു വിചാരിക്കുന്നുണ്ടോ ?

MR. C. P. GOPALA PANICKAR : വിചാരിക്കുന്നുണ്ട്. വേണ്ടിവന്നാൽ മുനിസിപ്പാലിറ്റിയിൽ നിന്ന് കടമെടുത്തെങ്കിലും അത്രയും സ്ഥലം നന്നാക്കി എടുക്കുവാൻ സാധിക്കും.

MR. P. S. MUHAMED : അങ്ങനെ മുനിസിപ്പാലിറ്റിയിൽ നിന്നും കടം എടുക്കണമെങ്കിൽ തന്നെ ഗവണ്മെന്റു മുഖേനയല്ലാതെ മുനിസിപ്പാലിറ്റി മുഖേനയായിരുന്നാൽ കടം കൊടുക്കുന്നതിനു ജനങ്ങൾ യെല്ലെടുമെന്നുള്ളതു മെംബർക്കറിയാമോ ?

MR. C. P. GOPALA PANICKAR : അക്ഷനെ ജനങ്ങൾക്ക് ഭയപ്പെടുത്തുകയായി ഗവണ്മെൻറിനറിച്ഛ. അപ്രകാരമുണ്ടെങ്കിൽ അത് അസ്ഥാനത്താണെന്നു ഗവണ്മെൻറു വിചാരിക്കുന്നു.

MR. M. SIVATHANU PILLAI (Toralu cum Agastiswaram) : May I ask whether Government will be pleased to help the municipalities to raise loans in that behalf?

MR. C. P. GOPALA PANICKAR : Government will consider if a proposal is placed before them in the proper manner.

MR. P. S. MUHAMED : ഇപ്പോൾ തന്നെ എടുത്തിട്ടുള്ള ലോണിനു പലിശ കൊടുത്തു തീർക്കുന്നതിനു ആലപ്പുഴ മുനിസിപ്പാലിറ്റിക്കു സാധിച്ചിട്ടില്ലെന്നു ഗവണ്മെൻറിനറിയാമോ?

MR. C. P. GOPALA PANICKAR : അറിഞ്ഞുകൂടാ.

Malayalam School teachers.

151. * **MR. P. NARAYANA PILLAI (Mavelikara cum Kunnattur) :** Will the Government be pleased to state :

(a) the number of permanent vacancies at present in the place of Malayalam School teachers that are not filled up; and

(b) the number of such vacancies at the end of 1114, 1115 and 1116 respectively?

MR. A. GOPALA MENON : (a) Nil.

(b) Nil.

English High School, Mavelikara.

152. * **MR. P. NARAYANA PILLAI :** Will the Government be pleased to state :

(a) the strength of the Government English High School at Mavelikara ;

(b) the strength of the Government English Middle School for Girls at Mavelikara ; and

(c) the strength of those schools during the years 1100, 1103, 1106, 1109, 1112 and 1115 M. E. ?

MR. A. GOPALA MENON : (a) 358.

(b) 78.

(c)	Year.	Boys' School.	Girls' School.
	1100	817	191
	1103	660	140
	1106	561	128
	1109	375	96
	1112	361	101
	1115	351	78

MR. M. R. NARAYANA PILLAI (Thiruvella) : May I know whether Government have made any enquiries as to why the strength of the Mavelikara English High School has dwindled from 817 in 1100 to 351 in 1115?

MR. A. GOPALA MENON : Sir, enquiries have been made from year to year and they have been found to be of no use.

Fishing in the Backwaters of Quilon.

153. * MR. KANNANTHODATH JANARDANAN NAIR (*Karunagapalli cum Kartikapalli*): Will the Government be pleased to state:

(a) whether the fishermen carrying on fishing in the backwaters of Quilon petitioned to them that 'Kamba Valas' are used jointly and with stones tied to their bottom extensively in the lake;

(b) whether such fishing is detrimental to the development of fisheries in the State,

(c) whether the Professor of Marine Biology and Fisheries toured round and was convinced of the existence of such methods of fishing; and

(d) what action did the Government take to prohibit such methods of fishing?

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

(b) Yes.

(c) Yes.

(d) A notification has been published in the Gazette, dated 2-12-1941, warning the fishermen against the use of nets (Kamba Vala) joined together and with stones tied to their lower ends.

Visitors for markets.

154. * MR. D. FRANCIS (*Kalkulam cum Vilavankod*): Will the Government be pleased to state:

(a) whether they have considered the desirability of appointing visitors, official or non-official, for the important public markets in the State;

(b) whether hooligans enter the markets and trouble the petty sellers of goods to get something from them;

(c) whether there is any one to take care of the sanitary condition of the markets; and

(d) whether there is any one to look after the improvements of the markets?

MR. K. KUNJAN FILLAI (*Ag. Secretary to Government*): (a) No.

(b) Government have no information.

(c) Yes; the officers of the Land Revenue and Public Health Departments.

(d) Yes; the officers of the Land Revenue Department.

Opening of a dispensary at Azhagappapuram.

155. * MR. D. FRANCIS : Will the Government be pleased to state:

(a) whether they have received an interpellation last year for opening a dispensary at Azhagappapuram;

(b) if the answer is in the affirmative, what action have they taken for opening the dispensary; and

(c) whether they have under consideration a proposal to establish a dispensary there?

MR. C. P. GOPALA PANICKAR : (a) Yes.

(b) The Tahsildar, Agastiswaram, has been requested to furnish certain information regarding the place.

(c) Government do not at present and in view of their recently declared policy favour the opening of new Dispensaries at Government cost.

Nalkalikal Bridge.

156. * **MR. PULIYOOR T. P. VELAYUDHAN PILLAI (Tiruvalla) :** Will the Government be pleased to state :

(a) the amount spent on and the reason for not completing the construction of the Nalkalikal bridge last year on the Aranmula-Pandalam road ;

(b) whether there is provision in current year's budget for completing the construction of this bridge ; and

(c) the nature of the work done so far during current year in connection with the construction ?

MR. I. C. CHACKO (Ag. Chief Engineer) : (a) Rs. 3,339-9-6. The work is delayed pending the acquisition of the lands required for the purpose.

(b) Funds to the extent of Rs. 10,000 are made available for the work this year.

(c) Pile driving is completed. Pier moulding work is in progress. Earth work for forming approaches is more than half done. The platform work will be taken up as soon as the required steel is brought to the site.

The Chengannur District Dispensary buildings.

157. * **MR. PULIYOOR T. P. VELAYUDHAN PILLAI :** Will the Government be pleased to state how many times the work of construction of the Chengannur District Dispensary buildings was stopped and the duration of the suspension of work at each time and the reasons for such suspension ?

MR. C. P. GOPALA PANICKAR : The work was stopped once for a period of 3 months for revision of estimate with a view to reducing the cost.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know whether the old building, which contained the in-patient ward, has been shifted further east ?

MR. C. P. GOPALA PANICKAR : Government have no information.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know whether they are aware that there is an old building in the site acquired by Government ?

MR. C. P. GOPALA PANICKAR : Yes.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know the purpose for which it is going to be utilised by Government ?

MR. C. P. GOPALA PANICKAR : It is understood that the proposal is to convert that into one of the wards of the hospital by making suitable adjustments.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know the steps taken by Government so far?

MR. C. P. GOPALA PANICKAR: An estimate is being awaited.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know the steps taken by Government for formally opening the building before the completion of the in-patient ward?

MR. C. P. GOPALA PANICKAR: Government have not called for any proposal in that respect but it is hoped that the department will take the necessary steps as early as possible.

Books for use in rural libraries.

158. * **MR. PULIYOOR T. P. VELAYUDHAN PILLAI:** Will the Government be pleased to state:

(a) whether the book named "Thirunal Kashcha" (തിരുനാൾ കാശ്ച) by Vidwan Mr. V. Varkey, teacher, M. M. School, Thidanad (തിടനാട), was included in the selection list of books for use in rural libraries;

(b) whether page 104 of this book contained any objectionable passage;

(c) who was responsible for the inclusion of this book in the selection list of books for use in rural libraries; and

(d) whether Government have taken any action on this matter and, if so, what?

MR. A. GOPALA MENON: (a) No.

(b), (c) and (d). In view of the answer to part (a), these questions do not arise.

A book published by the State Transport Department.

159. * **MR. PULIYOOR T. P. VELAYUDHAN PILLAI:** Will the Government be pleased to state whether the book named "കാർഷിക വിജ്ഞാനം" published by the Travancore State Transport Department, has been prescribed as a text book for any class or form in Malayalam or English Schools in the State?

MR. A. GOPALA MENON: No.

Appointments in the Travancore University.

160. * **MR. P. S. MUHAMED:** Will the Government be pleased to lay on the table a statement by caste of appointments made in the Travancore University during the period of the last two years (up to Kanni 1117) in the following grades:—

(i) appointments carrying a salary of Rs. 25 or above; and

(ii) appointments carrying a salary below Rs. 25?

DR. K. L. MOUDGILL: The *statement asked for is laid on the table.

* Vide Appendix II, P. 343

Maistries in the Public Works Department.

161. *MR. VARKALA K. MADHAVAN: Will the Government be pleased to state the number of Maistries whose services were dispensed with for want of funds in the Public Works Department in 1117?

MR. I. C. CHACKO: 35.

Maistries in the Public Works Department.

162. *MR. P. S. MUHAMED: Will the Government be pleased to lay on the table a statement showing:

(a) the number of maistries in the Public Works Department in the work establishment with their designations;

(b) the number and pay of maistries who have put in 25 or more years of service;

(c) the number and pay of maistries who have put in 10 or more years of service;

(d) the number and pay of maistries who have put in 6 or more years of service;

(e) the number of maistries who have put in 3 or more years of service;

(f) the number of maistries who have put in less than 3 years of service; and

(g) the number of Muslims in each of the above items of the parts (b) to (f) of the question?

MR. I. C. CHACKO: The *statement is placed on the table.
P. W. D. Maistries.

163. *MR. G. VELU PILLAI: Will the Government be pleased to state:

(a) whether P. W. D. work establishment maistries of less than five years' service have been disbanded from service at any time this year;

(b) if so, in what Divisions;

(c) the total number of persons thus relieved from service;

(d) whether there was any circular to that effect from the Chief Engineer or Government;

(e) whether any one of those who have put in more than five years' service is relieved; and

(f) whether there are in service at present persons who have put in less than five years' service?

MR. I. C. CHACKO: (a) Yes.

(b) Alwaye, Kottayam and Nagercoil Divisions.

(c) 35.

(d) Yes, from Chief Engineer.

(e) No.

(f) Yes.

Disbanded employees in the P. W. D. Work Establishment.

164. *MR. P. S. MUHAMED: Will the Government be pleased to lay on the table a statement showing:

* *Vide Appendix III, P. 344*

(a) The number of employees in the Work Establishment who have been thrown out of work at present; and

(b) the number of the above hands in each of the P. W. D. Divisions?

MR. I. C. CHACKO: (a) 35.

(b) Alwaye Division	11
Kottayam Division	22
Nagercoil Division	2

Installing radio sets in the Public Gardens, etc.

165. *MR. G. VELU PILLAI: Will the Government be pleased to state whether they have considered the question of installing radio sets in the Public Gardens, Central Railway Station maidan, East Fort maidan and Saukumukam beach?

MR. K. P. PADMANABHA MENON: Yes.

Government Girls' School at Cantonment.

166. *MR. G. VELU PILLAI: Will the Government be pleased to state:

(a) Whether they propose to shift the Government Girls' School, Cantonment, to any other place next year; and,

(b) if so, to which place.

MR. A. GOPALA MENON: (a) Yes; at the beginning of the School year 1942—43.

(b) The school has been sanctioned to be split up into two parts one of which will be located on the Barton Hill and the other at Manacad.

MR. G. VELU PILLAI: May I know whether Government are aware of the necessity of a Government Girl's High School near the Public Offices in the centre of the town?

MR. A. GOPALA MENON: Government will wait until the need is actually felt.

MR. G. VELU PILLAI: May I know whether Government have received any representation about that?

MR. A. GOPALA MENON: No representation has been received.

Reorganisation of the Ayurveda Department.

167. *MR. S. NARAYANA PILLAI (*Quilon cum Kottarakara*): Will the Government be pleased to state whether any scheme is before Government for the reorganisation of the Ayurveda Department?

MR. C. P. GOPALA PANICKAR: No.

Construction of a chira in the Peecheli canal.

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

(a) whether they have received any representation regarding the construction of a chira in the Peecheli canal in the Parur taluk and the repairing of the Nettani chira in that taluk; and

(b) what steps, if any, they have taken in the matter?

MR. I. C. CHACKO: (a) Yes.
(b) The matter is being investigated.

Repairs to the Iron Bridge.

169. ***MR. S. NARAYANA PILLAI:** Will the Government be pleased to state whether any repairs have been effected to the Iron Bridge over the Quilon canal after Karkatakam 1116?

MR. I. C. CHACKO: No.

P. W. D. Advisory Committee.

170. ***MR. S. NARAYANA PILLAI:** Will the Government be pleased to state the number of occasions on which the P. W. D. Advisory Committee met in 1116 and the amount spent under travelling allowance on the committee during the period?

MR. I. C. CHACKO: Main Committee four times and Sub-committee four times. The total expenditure for 1116 comes to Rs. 6,287-18-9.

Other Hindus and appointment of teachers by the Public Service Commissioner.

171. ***MR. KAVIYOOR K. K. KOCHUKUNJU (Nominated):** Will the Government be pleased

(a) to state whether a list of the candidates for teacher's posts who were recruited by the Public Service Commissioner and had completed two years' service prior to 1112, has been forwarded to the Director of Public Instruction for appointment by him direct;

(b) to lay on the table a statement, by caste, of the persons included in the above list; and

(c) to state the number of persons appointed by the Director till this date from the above list and whether any one from among 'Other Hindus' was so appointed?

MR. A. GOPALA MENON: (a) No.

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

Kaviyoor-Eraviperur Ezhunnellathu road.

172. ***MR. KAVIYOOR K. K. KOCHUKUNJU:** Will the Government be pleased to state whether they have received any memorial in 1117 from the people of Kaviyoor regarding the necessity of making the Kaviyoor-Eraviperur Ezhunnellathu road fit for traffic as also of improving the Ayroorkulam there?

MR. I. C. CHACKO: No memorial appears to have been received during 1117 about the Kaviyoor-Eraviperur Ezhunnellathu road. A petition praying for improvements to Ayroorkulam was received on 10-9-1941 and the matter is under investigation by the Division Officer, Kottayam.

Reduction of hands in the P. W. D. Work Establishment.

173. *MR. P. S. MUHAMED: Will the Government be pleased to lay on the table a copy of the Government order that directed the Public Works Department to reduce the hands in the Work Establishment?

MR. I. C. CHACKO: Orders were issued to reduce the provision for Work Establishment charges and contingencies in the estimates from 10 per cent. to 5 per cent. On further consideration orders were issued that the 5 per cent. reduction already sanctioned should be spread over a period of five years beginning from the year 1117.

Promotions of Sub-Assistant Surgeons.

174. *MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Will the Government be pleased to state whether the Surgeon-General has given promotion to any of the Sub-Assistant Surgeons in pursuance of the Circulars No. 13/40/P. W., and D. Dis. No. 526/41/P. W.?

MR. C. P. GOPALA PANICKAR: No.

Maravattikavu Chira in Kunnatnad.

175. *MR. K. P. KOCHUKORA THARAKAN: Will the Government be pleased to state:

(a) whether they have received any application for deepening the Maravattikavu Chira, south of the Kallil Temple road, comprised in survey No. 606/1 of the Rayamangalam Kara in Kunnatnad taluk;

(b) whether the Road Board has recommended the deepening of the said chira;

(c) whether any amount has been provided for the work in the budget for the year 1117; and

(d) if so, the stage at which the work now stands?

MR. I. C. CHACKO: (a) Yes.

(b) Yes.

(c) Yes. Rs. 1,000.

(d) The work has been dropped.

Registration of Motor Vehicles.

176. *MR. K. P. KOCHUKORA THARAKAN: Will the Government be pleased to state:

(a) whether any circular has been issued to the effect that the Registration letters T. V. R. on motor vehicles registered in Travancore be changed to T. R. V.;

(b) if so, the object of the said change; and

(c) whether it is stated in the circular that a fine of Rs. 16 will be levied if re-registration is not made before the 2nd Kumbhom 1117?

MR. C. P. GOPALA PANICKAR: (a) (b) and (c), No circular has been issued on the subject. The changes referred to were given effect to by the Rules issued under the New Motor Vehicles Act.

Hydro-Electric Scheme for South Travancore.

177. *MR. VARKALA K. MADHAVAN: Will the Government be pleased to state whether they have decided to start a Hydro-Electric Scheme in South Travancore?

MR. K. P. PADMANABHA MENON: No.

Relief works in the Shertalla taluk.

178. *MR. P. S. MUHAMED: Will the Government be pleased to lay on the table a list showing the details of relief works in the Shertalla taluk till the end of 1116 as follows:—

- (a) (i) the names of roads that were completed ;
 (ii) the names of roads, the works of which are in progress ;
 (iii) the names of roads, the estimates of which were prepared ;
 (iv) the names of roads, the preparation of the estimates of which was in progress ;
 (v) the names of ways, that were proposed to be converted as roads ;
- (b) (i) the names of canals that were completed ;
 (ii) the names of canals, the work of which was in progress ;
 (iii) the names of canals, the estimates of which were prepared ;
 (iv) the names of canals, the preparation of the estimates of which was in progress ;
 (v) the names of water-ways that were proposed to be cut open as canals ;
- (c) (i) the names of bridges that were completed ;
 (ii) the names of bridges the construction of which was in progress ;
 (iii) the names of bridges, the preparation of the estimates of which was completed ;
 (iv) the names of bridges, the preparation of the estimates of which was in progress ;
 (v) the names of places, that require bridges for which proposals were recorded ;
- (d) (i) the names of culverts that were completed ;
 (ii) the names of culverts, the construction of which was in progress ;
 (iii) the names of culverts, the preparation of estimates of which was completed ;
 (iv) the names of culverts, the preparation of the estimates of which was in progress ;
 (v) the number of culverts for which proposals were recorded ;
 (vi) the names of tanks that were completed ;

[Mr. P. S. Muhamed.]

- (vii) the names of tanks, the digging of which is in progress ;
- (viii) the names of tanks whose estimates were prepared; and
- (ix) the names of tanks, the digging of which is under consideration?

MR. I. C. CHACKO: (a) to (d) " A list of relief works undertaken in Shertalla during 1116 is placed on the table. These works were undertaken only with a view to provide employment for unemployed labourers and not with a view to provide all the public needs of Shertalla taluk and there was no previously prepared programme and hence detailed answers to the questions cannot be furnished now.

Lower Division of Public Service.

179. *MR. K. G. GOVINDAN (*Pattanamittla*): With reference to Government order R. Dis. No. 1864/40/General, dated 21st September 1940, will the Government be pleased to state if Government have reduced the maximum salary in the Lower Division of Public Service?

MR. S. N. URE (*Public Service Commissioner*): No.

Muslims among Munsiffs and Government Pleaders.

180. *MR. P. S. MUHAMED: Will the Government be pleased to state whether there is any Muslim among the Munsiffs and Government Pleaders in the State?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Legal Remembrancer to Government*): None.

The Medical Department.

181. *MR. P. S. MUHAMED: Will the Government be pleased to lay on the table a statement, by caste, of the Deputy Surgeons and Assistant Surgeons in the Medical Department?

MR. C. P. GOPALA PANICKAR: A Statement † is laid on the table.

The Sri Sankaravilasom Co-operative Society.

182. *MR. P. NARAYANA PILLAI: Will the Government be pleased to state:

(a) whether they have received any representation from the Sri Sankaravilasom Co-operative Society, No. 302 of Eravankara for evicting trespassers from road poramboke lands in the Eravankara Village; and

(b) the action, if any, taken on the same?

MR. K. KUNJAN PILLAI: (a) Yes.

(b) Action is being taken to demarcate the pathway.

* Vide Appendix IV. 345.

† Vide Appendix V. 346.

Appointments in the Medical Department.

183. *MR. P. S. MUHAMED: Will the Government be pleased to lay on the table a statement, by caste, of the appointments made during the last three years, of midwives, nurses and compounders in the Medical Department?

MR. C. P. GOPALA PANICKAR: A Statement* is laid on the table,

Mavelikara District Court.

184. *MR. P. NARAYANA PILLAI: Will the Government be pleased to state:

(a) whether they have entered into any agreement with any individual regarding the housing of the Mavelikara District Court; and

(b) the terms of the agreement, if any?

MR. PUTHUPALLI S. KRISHNA PILLAI: (a) and (b) Government have agreed to house the District Court, Mavelikara, in the new buildings constructed by Dr. Vettu Pillai, Sankara Sadanoni, Mavelikara for a period of three years on a rent of Rs. 65 per mensem. An additional rent of Rs. 20 per mensem will be paid when the building for housing the Second Judge's Court is completed and made ready for occupation.

MR. P. NARAYANA PILLAI: May I know whether Government have any idea of constructing a permanent building for the District Court.

MR. PUTHUPALLI S. KRISHNA PILLAI: That is their object, but at present there is no proposal before Government.

MR. P. NARAYANA PILLAI: May I know whether any steps have been taken for this purpose?

MR. PUTHUPALLY S. KRISHNA PILLAI: No, Sir.

MR. P. NARAYANA PILLAI: May I know why steps have not been taken?

MR. PUTHUPALLY S. KRISHNA PILLAI: Steps will be taken in due course.

MR. P. NARAYANA PILLAI: May I know how long it will take to acquire a site for the building?

MR. PUTHUPALLY S. KRISHNA PILLAI: Proceedings for the acquisition of the necessary site are being taken. After that estimates have to be prepared and funds provided. The honourable member will observe that the present agreement is for a period of three years from 1941.

MR. P. NARAYANA PILLAI: Is it not the general policy of Government not to rent private buildings?

MR. PUTHUPALLY S. KRISHNA PILLAI: When no Government building is available, necessarily Government have to rent private buildings.

Mavelikara Sessions Court.

185. *MR. P. NARAYANA PILLAI: Will the Government be pleased to state the number of sessions cases tried in the Mavelikara Sessions Court during the year 1116 and till the end of Makaram 1117?

* *Vide* Appendix VI. 347.

MR. PUTHUPALLI S. KRISHNA PILLAI:

During 1116	...	24
During 1117 (till 29-6-1117)	...	23

Fresh water.

186. *MR. C. JEBAMONY NADAR (*Kalkulam cum Vilavankod*): Will the Government be pleased to state:

(a) whether there is a fresh water well near the Muttam light house;

(b) whether the spring is perennial; and

(c) whether it is possible to supply drinking water to the village of Muttam from this source?

MR. I. C. CHACKO: (a) Yes; but not accessible to the public.

(b) and (c) This information can be furnished only after test pumping and ascertaining yield and time required for recuperation of the water pumped.

Procedure re: trial of cases in Civil courts.

187. *MR. P. NARAYANA PILLAI: Will the Government be pleased to state whether they have received any representation regarding the serious hardships and inconveniences caused to the litigant public by the present arrangement of day to day trial of cases in civil courts?

MR. PUTHUPALLI S. KRISHNA PILLAI: No representation has been received by the Government.

Amaravathi Branch Channel.

188. *MR. C. JEBAMONY NADAR: Will the Government be pleased to state:

(a) whether a branch channel known as Amaravathi branch from the Thiruvithamcode channel was proposed by the original designers of the Kodayar Project; and

(b) whether Government have been receiving petitions from the ryots for constructing this branch channel?

MR. I. C. CHACKO: (a) Yes.

(b) Yes.

Assistant Peishkars in Travancore.

189. *MR. K. P. KOCHUKORA THARAKAN: Will the Government be pleased to lay on the table a statement, by caste, of the Assistant Peishkars in Travancore?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI (*Chief Secretary to Government*): A *statement is laid on the table.

Recruitment of Proverthicars.

190. *MR. K. P. KOCHUKORA THARAKAN: Will the Government be pleased:

* Vide Appendix VII. 347.

(a) to state :

(i) whether there is any G. O. for the direct recruitment every year, of ten Proverthicars, and

(ii) if so, the date from which that G. O. was brought into effect ; and

(b) to lay on the table a statement, by caste and place of birth, of persons who were so appointed during each year ?

MR. K. KUNJAN PILLAI : (a) (i) Yes.

(ii) From 1114 M. E.

(b) The statement* is laid on the table.

Extension of Muttam Channel.

191. *MR. C. JEBAMONY NADAR : Will the Government be pleased to state :

(a) whether they have received petitions for extending the Muttam channel; and

(b) the action taken on these petitions ?

MR. I. C. CHACKO . (a) Yes.

(b) Action can be taken on these petitions only after the question of supplementing the Kodayar supply is settled.

Karingal Water Supply.

192. *MR. C. JEBAMONY NADAR : Will the Government be pleased to state the stage at which Karingal water supply scheme stands ?

MR. I. C. CHACKO : Investigation for the preparation of detailed estimate and plan is in progress.

Statement of relief works.

193. *MR. P. S. MUHAMED : Will the Government be pleased to lay on the table a statement showing the names of works that are proposed to be taken up as relief works ?

MR. I. C. CHACKO : A statement is laid on the table.

Contracts for relief works.

194. *MR. P. S. MUHAMED : Will the Government be pleased to state :

(a) whether relief works were done in 1116 on contract system by the contractors ; and

(b) whether the Government in 1116 had given instructions to the Chief Engineer that contracts for relief works should be given by inviting tenders ?

MR. I. C. CHACKO : (a) Yes.

(b) No.

Allotment for relief works.

195. *MR. P. NARAYANA PILLAI : Will the Government be pleased to state :

* Vide Appendix VIII. p. 348

† Vide Appendix IX. p. 349

[Mr. P. Narayana Pillai]

(a) the amount allotted for relief works in the State for the years 1115, 1116 and 1117; and

(b) the amount allotted for relief work in Mavelikara and Kunnattur taluks for the same years?

MR. I. C. CHACKO :

(a) 1115 M. E.	Rs. 91,509.
1116 M. E.	Rs. 3,17,630.
1117 M. E.	Rs. 34,070.

(b) There were no such specific allotments.

Relief works in the P. W. D.

196. *MR. P. S. MUHAMED : Will the Government be pleased to lay on the table a statement showing the following particulars regarding the relief works in the P. W. D.:

(a) the amount sanctioned by Government for the relief works in the taluks of Ambalapuzha (including Alleppey) and Shertalla in the year 1116;

(b) the amount set apart for the Alleppey town and the amount spent at Alleppey in 1116;

(c) the amount set apart for Shertalla and the amount spent at Shertalla in 1116; and

(d) the amount spent in the Ambalapuzha taluk excluding Alleppey?

MR. I. C. CHACKO : A statement containing the information required by the member is placed on the table.

Harijan Hostel.

197. *MR. KAVIYOOR K. K. KOCHUKUNJU : Will the Government be pleased to state :

(a) the number of students of the Varnava community lodging at present in the Harijan Hostel; and

(b) whether these students are given, like the students of other backward communities, fee, books, clothing and scholarships out of the Statue Fund earmarked for the educational encouragement of the backward communities?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI : (a) Nil.

(b) No.

Uplift of the backward communities and the Varnava community.

198. *MR. KAVIYOOR K. K. KOCHUKUNJU : Will the Government be pleased to state :

(a) whether between Chingom 1111 and 24th Kumbhom 1117 any report has been submitted to Government by Field Officers in consultation with the leaders of the various divisions of the Varnava community; and

(b) whether the report of the Sub Committee appointed by the Advisory Board for the uplift of the backward communities to consider concessions to the Varnava community also, re: fees puduval lands, etc., has been brought to the notice of Government?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI : (a) No.

(b) No.

MR. KAVIYOOR K. K. KOCHUKUNJU : ഫീൽഡ് ഓഫീസറന്മാർ അവശ്യ സമുദായങ്ങളിലെ ഓരോ വിഭാഗത്തിലുമുള്ള ഭരണാധികാരികൾ നോട്ടീസ് പോലും കൊടുക്കുകയുണ്ടായില്ല എന്നുള്ള വിവരം ഗവണ്മെന്റിനറിയാമോ ?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI : ഫീൽഡ് ഓഫീസറന്മാരുകളെ, സബ് കമ്മിറ്റിയിലുള്ളവരെക്കുറിച്ച് റിപ്പോർട്ടും ഗവണ്മെന്റിനറി ലെക്ക് അയച്ചിട്ടില്ല.

MR. KAVIYOOR K. K. KOCHUKUNJU : ആ സബ് കമ്മിറ്റിയിൽ അവശ്യസമുദായത്തിൽപ്പെട്ട ഒരാൾ പോലും അംഗമായിട്ടില്ല എന്ന വിവരം ഗവണ്മെന്റിന്റെ ശ്രദ്ധയിൽ പെട്ടിട്ടുണ്ടോ ?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI : ഇല്ലാതിരിക്കാം.

Relief works at Alleppey.

199. *MR. P. S. MUHAMED : Will the Government be pleased to state :

(a) whether they have sanctioned any amount for the improvement of Alleppey under the heading 'relief works' ;

(b) whether they started work for filling up the swampy areas within the town ;

(c) whether they had taken steps for acquiring these swampy areas ;

(d) whether they acquired any swampy area in the town for the above purpose ;

(e) the reasons for stopping acquisition proceedings if they have stopped the proceedings ;

(f) the reasons for stopping the scheme for filling up of swampy areas in the Alleppey town ;

(g) whether the Alleppey Municipal Council requested Government to take up the question of the scheme for filling up of swampy areas within the town again ;

(h) whether they have come to a final decision on the question ; and

(i) if so, will they be pleased to lay on the table a copy of the decision on the above question ?

MR. I. C. CHACKO : (a) Yes. Rs. 2½ lakhs.

(b) Yes.

(c) Yes.

(d) No.

(e) Prohibitive cost of acquisition.

(f) As the owners of the lands benefited did not take advantage of the offer made to recover the cost of improvements in easy instalments in 10 years.

[Mr. I. C. Chacko]

(g) No.

(h) & (i) Do not arise in view of answer to part (g).

Central Railway Station Maidan.

200. *MR. G. VELU PILLAI: Will the Government be pleased to state whether they have considered the desirability of making the Central Railway Station Maidan open to the public and of providing seats in the same?

MR. C. P. GOPALA PANICKAR: A sufficient number of seats have already been provided in the Maidan opposite to the oval garden in front of the Central Station for the use of the public. There is no proposal at present to provide seats within the oval garden as it would interfere with the lay-out of the garden and spoil the plants and lawn therein.

Wages of labourers.

201. *MR. P. S. MUHAMED: Will the Government be pleased to state:

(a) the rates of wages of a male, female and a boy who have been working in the P. W. D. relief works which do not require skilled hands; and

(b) those in the case of skilled labourers?

MR. I. C. CHACKO:

		Alloppy.			Shertalla.			Quilon.		
		Rs.	ch.	o.	Rs.	ch.	o.	Rs.	ch.	o.
Relief Coolies	(a) Male	0	2	0	0	7	8	0	7	0
	Female	0	6	0	0	5	0	0	5	0
	Boy	0	4	0	0	3	8	0	4	0
Skilled labourers as per schedule of rates for the respective Sub-Divisions	(b) Man	0	12	0	0	10	0	0	10	0
	Woman	0	7	0	0	6	0	0	6	8
	Boy	0	7	0	0	5	0	0	5	8

Sanskrit and Ayurvedic Schools in Kottayam District.

202. *MR. A. K. KUMARAN VAIDYAN: Will the Government be pleased to state the names of recognised Sanskrit Schools and Ayurvedic Schools in Kottayam District, and a statement, by caste, of its managers?

MR. C. P. GOPALA PANICKAR: There are no recognised Sanskrit Schools in the Kottayam District. The recognised Ayurveda Schools are

1. Ayurveda High School, Vaikom,
Manager, P. Gopalan, Ezhava;
2. Ayurveda High School, Parur,
Manager, P. R. Velayudha Sastri, Ezhava; and
3. Ayurveda High School, Ettumanoor,
Manager, K. Govinda Pillai, Nair.

QUESTIONS AND ANSWERS

Half fee concessions to members of the Varnava community.

203. *MR. KAVIYOOR K. K. KOCHUKUNJU : Will the Government be pleased to lay on the table a statement showing the different sections of the Varnava community enjoying half fee concession in English Schools only ?

MR. A. GOPALA MENON : The following sections of the Varnava community are eligible for half fee concession in English schools subject to 15 per cent restriction :—

1. Paravan.
2. Vannan (including Chayakkaran and Makkavazhi Dhobi).
3. Mannan.
4. Pathiyan.

Traffic in Pattini Thodu.

204. *MR. A. K. KUMARAN VAIDYAN : Will the Government be pleased to state whether regular traffic in Pattini Thodu in Parur taluk has been obstructed by the falling of several trees from either side into the canal during the recent cyclone, and if so, what action they have taken in the matter.

MR. I. C. CHACKO : No.

MR. A. K. KUMARAN VAIDYAN : മരങ്ങളൊന്നും വീണുകിടപ്പില്ല എന്നാണു ഉത്തരംകൊണ്ടു കാണുന്നത്. എന്നാൽ ഇരുകരകളിൽനിന്നും മരങ്ങൾ വീണുകിടക്കുന്നതുനിമിത്തം വള്ളങ്ങൾ കൂടെക്കൂടെ ഉറച്ചുപോകുന്നതായി അനുഭവമുണ്ട്. തന്മൂലം വള്ളമുഖേന യാത്രചെയ്യാൻ നിവൃത്തിയില്ലാതെ വന്നതുകൊണ്ടു ഈ ചോദ്യം ചൊരിക്കാൻ ഇടവന്നതാണെന്നുള്ള വിവരം ബഹുമാനപ്പെട്ട മെമ്പർ ധരിക്കുമോ?

MR. I. C. CHACKO : മരങ്ങൾ വീണിട്ടില്ല എന്നു ഉത്തരത്തിൽ പറഞ്ഞിട്ടില്ല. ഗതാഗതത്തിനു തടസ്സമില്ല എന്നു പറഞ്ഞിട്ടുള്ളു.

MR. A. K. KUMARAN VAIDYAN : അങ്ങനെ തടസ്സം വന്നാൽ മരങ്ങൾ വെട്ടിമാറ്റാൻ വേണ്ട ഏർപ്പാടുചെയ്യുമോ?

MR. I. C. CHACKO : റവന്യൂ ഡിപ്പാർട്ടുമെന്റുഖേന മരങ്ങൾ അറ്റപ്പൊഴുപ്പാൾ വെട്ടിമാറ്റുന്നതിനു വേണ്ട ഏർപ്പാടു ചെയ്തിട്ടുണ്ട്.

Opening of new schools.

205. *MR. K. G. GOVINDAN : Will the Government be pleased to state (a) the number of applications, if any, which have reached either the Director of Public Instruction or the Government, for opening new schools ;

(b) the nature of such schools—whether English or Malayalam or technical ;

(c) the applicants' communities ;

(d) whether permission has been granted for any school ;

[Mr. K. G. Govindan]

(e) whether orders have been passed giving preference to applications to open new schools from communities having comparatively fewer schools; and

(f) if so, the nature of the orders?

MR. A. GOPALA MENON: (a) to (f) As the period for which the information is necessary is not specified, it is not possible to furnish the information asked for.

Public Service Recruitment Rules.

206. *MR. K. P. KOCHUKORA THARAKAN: Will the Government be pleased to state:

(a) whether any amendments have been made in the Public Service Recruitment Rules during the last two months;

(b) if so, what those amendments are; and

(c) the maximum pay of the posts to which the Public Service Commissioner can recommend persons at present?

MR. S. N. URE: (a) Yes.

(b) A * list is placed on the table.

(c) The question is vague.

Bridge along Vaikom-Ernakulam Road.

207. *MR. K. P. KOCHUKORA THARAKAN: Will the Government be pleased to state:

(a) whether and if so how long it is since the bridge at the 2nd furlong of the road branching eastward to Kandanad from the 4th furlong, 12th mile of the Vaikom-Ernakulam road, has been damaged;

(b) whether they have provided a ferry service there now; and

(c) why the bridge remains unrepaired?

MR. I. C. CHACKO: (a) Yes. A little more than a year.

(b) Yes.

(c) The repair works have been arranged for.

Other Hindus and Public Service.

208. *MR. KAVIYOOR K. K. KOCHUKUNJU: Will the Government be pleased to state:

(a) the number of vacancies that have occurred between Chin-gom 1116 and 24th Kumbhom 1117, in the lower division of the Public Service available to 'Other Hindus';

(b) the number of persons appointed in such vacancies and the names of communities in the category of 'Other Hindus' to which those so appointed belong; and

(c) the number of 'Other Hindus' appointed in the Intermediate and Higher Divisions of the Public Service during the above period, the appointments given to them and their pay?

MR. S. N. URE: (a) 81.

(b) 77. The information as to the particular sub-divisions to which these candidates belong, cannot be easily collected.

(c) In the year 1116—Nil.

In the year 1117 up to 24th Kumbhom 1117/7th March 1942—1 Sub-Assistant Surgeon, 50-75.

KAVIYOOR K. K. KOCHUKUNJU : ഈ വൃഷ്ടിയിൽ എത്രപേർ നിയമനം ലഭിച്ചിട്ടുണ്ടെന്നു പറയാമോ ?

MR. S. N. URE : 77.

Cheriapilly-Coonammavoo Road.

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

(a) whether the P. W. D. Advisory Board had recommended the improvement of the Cheriapilly-Coonammavoo Road (via Thrikapuram) in Parur taluk;

(b) whether that recommendation was accepted by the Government; and

(c) if not, the reasons for not accepting the same?

MR. I. C. CHACKO : (a) Yes.

(b) No.

(c) For want of funds.

Appendix I.

Vide Answer to Questions No. 147. and No. 148.

An agreement has recently been concluded between the Government and the Aluminium Production Co., of India Ltd., Calcutta, whereby the latter has contracted for the purchase of all the power required for the smelting and production of aluminium near Alwaye from the P. H. E. System. The Company have accordingly started the construction of their Factory and they hope to complete their works to begin operation from January, next. In the first instance, they will be purchasing 4500 K. W. of firm power to be supplemented by such blocks of seasonal power as Government can arrange to supply. This arrangement will continue until Government are ready to supply their full demand of 14,000 K. W. of firm power not later than January 1946. The Company will guarantee a minimum payment of Rs. 21,000 per month in the early stages when they take only 4,500 K. W. and this minimum payment will be enhanced to Rs. 68,000 per month when the full block of 14,000 K. W. is made available. In the normal course of operation the revenue that Government will derive from the sale power will in the early stages be Rs. 3.15 lakhs per annum which does not include the cost of the seasonal power that may be supplied from time to time. This revenue is expected to go up to Rs. 5.325 lakhs per annum by January 1945, when the Company will be taking a supply of 7,500 K. W. of firm power and reach Rs. 10.2 lakhs per annum by January 1946, when the full block of 14,000 K. W. will be supplied.

The present effective capacity of the Pallivasal Generating Station is only 9,000 K. W. and will just suffice to cater for the initial requirements of the Aluminium Company, since a substantial portion of the power available there has to be reserved for the existing agricultural and industrial requirements. It is therefore proposed to carry out immediately further extensions of the Project so as to provide for the generation of an additional 22,500 K. W. and for duplicating the transmission system to the plains. The works in connection with these are being taken in hand and it is expected that they will be completed within the next four years, so as to meet the additional requirements of the Aluminium Company, besides that required for the supply to Peermade, Trivandrum and further south and also for the various industries that are expected to be inaugurated in the very near future. When these works are completed, the total effective capacity at Pallivasal will be 31,500 K. W. or 42,000 H. P.

Huzur Cutcherry,
Trivandrum. 5th July 1941,

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

Appendix II.

Vide Answer to Question No. 160.

Caste-war statement of appointments made in the University up to Kanmi 1117.

	Brahmin.	Other Hindu.	Muslim.	Jacobite.	Kaumala.	Marthomite.	Ezhava.	Syrian Catholic.	Nader.	S. I. U. C.	Latin Catholic.	Other Specified Hindu.	Other Christian.	Nair.
ON RS. 25 OR ABOVE.														
A. Teaching Staff	6	1	...	2	..	..	..	2	...	..	2	3	4	5
B. Clerical Staff	..	..	..	..	..	..	..	..	..	..	..	1	..	..
C. Other than Teaching and Clerical Staff	1	..	..	..	2	1	3	..	..	..	..	..	1	4
BELOW RS. 25.														
A. Clerical Staff	7	5	1	1	1	..	3	1	1	1	2	3	..	7
B. Menial Staff	5	11	1	1	..	..	5	1	3	..	..	2	1	13
C. Other than clerical and menial Staff	1	..	..	..	4	1	3	..	..	2	3	2	..	4

QUESTIONS AND ANSWERS.

Appendix III.

Vide Answer to Question No. 162.

Statement of Maistries in the P. W. D.

(a)	No.	1082			
(b)	...	125	average pay	Rs.	23.
(c)	...	415	Do.	...	23.
(d)	...	198	Do.	...	20.
(e)	...	238.			
(f)	...	111.			
(g)	1 in (b), 5 in (c), 1 in (d), 3 in (e) and 2 in (f).				

QUESTIONS AND ANSWERS.

Appendix IV.

Vile Answer to Question No. 178.
Statement of Relief Works in Shertalla taluk.

S. No.	Name of work.	Estimate amount.	Expenditure to end of 1116.
	A. WORKS UNDERTAKEN DURING 1116.	Rs.	Rs.
	<i>Roads.</i>		
1	Opening a road from 2 1/3 Alleppey-Aroor road to Chellanam. 1st section from Thuravoor to Thirumala Devaswom temple	7,510	6,297
2	Constructing a road along the Northern bank of Puthen thodu at Thanneermukkam	4,320	3,933
3	Constructing a cart road from 10th mile Alleppey-Aroor road to Kanichakulangara temple, via Thiruvizha	15,000	14,920
4	Metalling Alleppey-Aroor road miles 5 to 14	36,600	25,411
5	Constructing a Cart road from 16/7 Alleppey-Aroor road to Kadakara-palli Beach	28,400	14,755
6	Constructing a road from 1st mile 5th fur. Shertala-Thanneermukkom road to Chenganda	4,180	2,985
7	Constructing a road from Ottapunna to Kanichakulangara-extension from Karuppankulam to Kanichakulangara.	20,000	5,640
	<i>Canals.</i>		
1	Opening a canal from Muttathukayal to Pozhichal crossing Alleppey-Aroor road at 16/8	17,700	16,668
2	Opening a canal from Thycattusseri kayal to Pozhichal	17,680	9,749
3	Deepening Madayanthodu up to Coir Factory	915	503
	<i>Tanks.</i>		
1	Improvements to the Public tanks at Thanneermukkem	2,300	1,339

Appendix- V.

Vide Answer to Question No. 181.

Statement by caste, of the Deputy Surgeons and Assistant Surgeons in the Medical Department.

Communities.	Deputy Surgeons.	Assistant Surgeons.
A. HINDUS :		
1. Brahmin:	...	...
(a) Malayala	...	6
(b) Non-malayala	1	17
2. Nair	4	
3. Ezhava	1	2
4. Viswakarma (Kammala)	...	...
5. Nadar	...	...
6. Vellala	...	2
7. Other Specified Hindu	1	...
8. Pulaya (Cheramar)	...	...
9. Kurava	...	...
10. Paraya (Sambavar)	...	...
11. Other Hindu	1	...
B. CHRISTIANS :		
1. Syrian Catholic	...	1
2. Latin Catholic	2	...
3. Jacobite Syrian	1	4
4. Marthomite	2	5
5. South Indian United Church	...	9
6. Anglican	4	4
7. Other Christian	...	1
C. MUSLIMS :		
	17	45

Appendix VI.

Vide Answer to Question No. 183.

Statement, by caste, of the appointments made during the
*last three years of midwives, Nurses and Compounders
in the medical Department.

Communities.	Midwives.	Nurses.	Compounders.
<i>A. Hindus.</i>			
1 Brahmin (Malayala)	...	...	2
(Non-malayala)	...	...	...
2 Nair	1	...	...
3 Ezhava	4	...	2
4 Viswakarma (Kammala)	...	...	...
5 Nadar	...	...	...
6 Vellala	...	...	...
7 Other specified Hindu	...	...	...
8 Pulaya (Cheramar)	...	...	...
9 Kurava	...	...	...
10 Paraya (Sambavar)	...	...	2
11 Other Hindu	...	..	2
<i>B. Christians.</i>			
1 Syrian Catholic	1	...	...
2 Latin Catholic	2	1	...
3 Jacobite Syrian	1	3	...
4 Marthomite	2	2	1
5 South India United Church	2	1	1
6 Anglican	...	1	2
7 Other Christian	...	...	...
<i>C. Muslims.</i>			

Total	13	8	10

* From 1st Meenom 1114 to
30th Kumbhom 1117.

Appendix VII.

Vide Answer to Question No. 189.

Statement by caste, of Assistant Peishkars in Travancore.

HINDU.

Brahmin	...	1
Nair	...	3
Other Hindu	...	1

CHRISTIAN.

S. I. U. C.	...	2
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Appendix VIII.

Vide Answer to Question No. 190.

Statement of persons recruited as Proverthiars.

Year.	Community.	No.	Place of Birth.
1114	Nair	5	Vaikom Putenvelikara Chathanoor Pattazhi Edappally
	Ezhava	1	Puthupally South
	Marthomite	1	Thalayadi
	S. I. U. Church	1	Venganji
	Other Christian	2	Koipuram Koipuram
1115	Nair	2	Kottayam Edathua
	Ezhava	4	Pandalam North Alleppey Muttom (Kartigapalli) Narangam (Kozhen- cherry)
	Marthomite	1	Changankary (Ambala- puzha)
	Jacobite	1	Pathanamthitta
	Syrian Catholic	2	Kottarakara Chirakadavu
	1116	Nair	2	Mulakulam (Vaikom) Ettumanoor
Ezhava		2	Vakkom Oachira
Nadar		1	Nalloor
Brahmin (Non-Malayala)		1	Avanavancherry
Anglican		1	Krishnapuram
Jacobite		1	Kalloopara
Latin Catholic		1	Kanjiracode
Syrian Catholic		1	Ambalapuzha
1117	Nair	2	Rajakamangalam Tiruvalla
	Ezhava	3	Anchal Velianadu North Kuriannoer
	Kammala	1	Vennikulam
	Other Hindu	1	Ambalapuzha
	Jacobite	1	Kalloopara
	Latin Catholic	1	Kanjiracode
	Syrian Catholic	1	Ettumanoor

Appendix IX.

Vide Answer to Question No. 193

STATEMENT.

	<i>Approximate length in miles.</i>	<i>Approximate cost, Rs.</i>
1. Chauthiroor canal ...	1	10,000 as per estimate received.
2. Canal from Arathunkal to A. S. canal ...	2	15,000
3. Puthenangadi thodu joining Muttathil Parambil thodu ...	$\frac{3}{4}$	5,000
4. Veechu thodu—Deepen- ing only from Arathun- gal to Anthakara ...	...	6,350 as per estimate received.
5. Road from Thankal to beach ...	$\frac{3}{4}$	3,000
6. Extension of Thankay road to Western Pozhi.	$\frac{1}{4}$	2,500
7. Road from 18/7 Alleppey Aroor road to Sakthees- waram Temple ...	...	6,875 as per estimate.
8. Improvements to tanks in Poramboke ...	...	7,000

Appendix X

Vide Answer to Question No. 196.

Statement re; relief works in the P. W. D.

S. No.	Particulars.	Amount.
		Rs.
(a)	Amount sanctioned for relief works in the taluks of Ambalapuzha including Alleppey and Shertalla in the year 1116...	1,95,200
(b) (i)	Amount set apart for Alleppey town ...	42,400
(ii)	Amount spent at Alleppey in 1116 ...	39,865
(c) (i)	Amount set apart for Shertalla ...	1,52,100
(ii)	Amount spent at Shertalla in 1116 ...	1,18,778
(d)	Amount spent in the Ambalapuzha taluk excluding Alleppey ...	Nil.

Appendix XI

Vide Answer to Question No. 206.

List of Amendments made in the Public Service Recruitment Rules between 18-1-1942 and 17-3-1942.

1. Relaxation of the rule prohibiting multiple registration.
2. Amendments to the qualifications for 2nd grade Supervisors in the Electricity Department.
3. Modification of Rule 16 (2) (1) so as to include within its purview applications for the Higher Division.
4. Restrictions on promotions from the Lower Division to the Intermediate Division contained in G. O. R. O. C. No. 1545/37/Genl. dated 31st May 1938 should be construed as governing promotions from posts carrying a salary of less than Rs. 20 to posts on Rs. 20 and more.
5. Relaxation of the rule regarding maximum age limit in the case of candidates who had no opportunity to apply in pursuance of specific notifications.
6. Inclusion of the post of Steno-typist on Rs. 20-25 in the schedule to the Rules.
7. Inclusion of the position of Caretaker in the Sri Chitralayam in Schedule I. C. of the Public Service Recruitment Rules.
8. Inclusion of Buddhists and Parsis under the 'Hindu' Group and Jews under the 'Christian' Group.

MR. M. R. NARAYANA PILLAI: I wish to submit one point for the decision of the Chair. As a matter of convenience may I request that the elections for the Economic Development Board may be held immediately after 1 o' clock when the House adjourns for lunch today. In the evening there is the adjournment motion also for discussion which will take up the time of the House beyond 5-30 P. M. Hence my request.

DEPUTY PRESIDENT: It is a matter for the House to decide, for, it has already been announced that the elections to the Economic Development Board will take place after the close of business for today. If the House thinks that the elections could be conducted between 1 P.M. and 2 P. M. and finished by then, it is a matter entirely within the discretion of the House and therefore I leave it to the House to decide the point.

Is it the wish of the House that the election should take place between 1 and 2 P. M. to-day?

The House voted for the motion.

DEPUTY PRESIDENT: The elections to the Economic Development Board will take place between 1 and 2 P. M. to-day.

OATH OF OFFICE.

Mr. K. Madhava Kurup, Director of Registration, took the oath and signed the Rolls:—

LEGISLATIVE BUSINESS.

THE TRAVANCORE EZHAVA ACT AMENDMENT BILL.

MR. N. R. KRISHNAN (*Ambalapuzha cum Shertalla*): ഈശ്വര റഗുലേഷൻ സെലക്ടറു കമ്മിറ്റി തയ്യാറാക്കിയ റിപ്പോർട്ടു ഈ സഭയുടെ പര്യാലോചനയ്ക്കായി ഞാൻ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. K. G. GOVINDAN: Sir, on a point of order. I would like to know if the honourable member Mr. N. R. Krishnan is in order in moving for the consideration of the Travancore Ezhava Act Amendment Bill. My point is this. The honourable member Mr. N. R. Krishnan introduced a Bill into this Assembly. That Bill was called the Ezhava Bill. That Bill was sought to repeal the present Ezhava Act. This House referred that Bill to a Select Committee which rejected the Bill of Mr. Krishnan practically in its entirety. They drafted another Bill and it is known as the Ezhava Act Amendment Bill. That seeks to amend some of the provisions of the existing Ezhava Act. Rule 34 of the Travancore Legislative Rules is to the following effect:— "No motion that a bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill....."

For the purpose of this rule, member in charge of the Bill, means, in the case of a Government Bill, any member acting on behalf of the Government and in any other case the member who has introduced the Bill....."

[Mr. K. G. Govindan.]

It is true that the honourable member Mr. N. R. Krishnan introduced a Bill. But the Bill he introduced is the Ezhava Bill and not Ezhava Act Amendment Bill which is entirely different from the Bill introduced by Mr. Krishnan. It follows Mr. Krishnan did not introduce the Bill under consideration. It follows Mr. Krishnan is not in charge of the Bill under consideration. It follows Mr. Krishnan, under this rule, is not competent to move for the consideration of the Bill. Therefore I would like to have a ruling from the Chair whether the honourable member Mr. N. R. Krishnan is in order in making this motion.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, it is wrong to say that this is entirely a new Bill. The honourable member himself might have noticed that the Bill originally introduced in this House by Mr. N. R. Krishnan was an amending and consolidating Bill which he proposed to introduce. The Bill, it might be remembered, was drafted not by an expert whose business it is to draft legislative Bills but by one honourable member of this House. Instead of bringing forward an amendment Bill he brought a Bill for amending and consolidating the existing Bill and therefore it was that in the last clause it was stated that the Ezhava Act would stand repealed. This House accepted the principles underlying that Bill and referred it to a Select Committee. When the Bill was under their scrutiny it was then found that the bulk of the provisions contained in the Bill were the same as those in the existing Act and hence it was decided that those provisions which did not require any change might be left as they were and that only such amendments as were proposed to be effected might be incorporated for consideration. In other words, those portions which required changes were called out of the original Bill and suitable provisions put instead after discussion over them. It was found that legislative decency required that the Bill should be consolidated in a proper form and presented to the House. Hence it took the form of an amendment Bill. The member in charge of the Bill Mr. N. R. Krishnan also accepted that view of the Committee. The Select Committee have made certain proposals and they are put in the form of a Bill which is usually in such form as it ought to be presentable to the House. I may however point out that the learned argument of my honourable friend Mr. K. G. Govindan however ingenious it may be is not supported by the rules quoted by him. It is Mr. N. R. Krishnan's Bill that the House referred to the Select Committee. It was only in that Bill changes were made. But when changes had to be made, that had to be in certain form. That alone has happened. It is not a new Bill but the old Bill of Mr. Krishnan with some of the provisions properly revised. Therefore, I submit that the point of order raised does not strictly speaking arise at all. This is not a new Bill. It is only the old Bill of Mr. N. R. Krishnan and Mr. N. R. Krishnan alone is in charge of the Bill.

DEPUTY PRESIDENT: A point of order has been raised by Mr. K. G. Govindan that the Bill as now moved by the mover of the

original Bill is different from what it was, rather when it was first introduced. He further says that the character of the Bill is entirely different from the original Bill. The Bill as pointed out by the Legal Remembrancer, was meant to be an amending and consolidating Bill as it was originally intended. It was referred to a Select Committee and the Select Committee has reported that the purpose of the original Bill would be served by an amendment bill of the nature which is now placed before the House. The only thing that this House has to consider is whether the Select Committee has departed from the principle of the original Bill as introduced by Mr. N. R. Krishnan. Judged from that point of view I am of the opinion that this Bill has not departed from the principle of the original Bill whatever be the name that is given to the Bill. I am of the opinion that it has not departed from the principle of the Bill and that the Bill as it is now reported by the Select Committee is perfectly in order and therefore it can be taken up for consideration by the House.

MR. S. NARAYANA PILLAI: I second Mr. N. R. Krishnan's motion.

MR. K. G. GOVINDAN: Sir, as an amendment, I move under Standing Order 41 (2) that the Bill be recommitted. My chief reason is that the Select Committee has acted *ultra vires*, has gone far beyond its power, in so far as it has practically rejected Mr. N. R. Krishnan's Bill and placed in its stead an amendment Bill. When a Bill is introduced into this Assembly and when that is referred to a Select Committee, it is to be presumed that this Assembly concurs with the general and basic principles contained in the Bill and it is not open to the Select Committee to completely disagree with the basic principles contained in the Bill. In this connexion I would like to cite an authority in support of my point from the "Select Decisions of the Chair in the Imperial Legislative Assembly."

"The Chair cannot lay it down as an invariable rule that in no case can the Select Committee report that the House should not proceed with a Bill committed to it. Indeed it is easy to conceive of circumstances in which it might be necessary for the committee to make such a report. But at the same time the Chair is quite clear that it is not open to the Select Committee to say that it does not agree with the principle of the Bill".....

MR. KAINIKARA M. PADMANABHA PILLAI (*Changanacherry cum Peer-mullo*): Has the Select Committee ever stated that they cannot agree with the principle of the Ezhava Bill?

MR. K. G. GOVINDAN: I am coming to that point. My honourable friend will wait for some time.

Now, I will answer the question raised by my honourable friend, Mr. Padmanabha Pillai. In the report of the Select Committee, in the second para it is stated "the Committee are of the view that the purpose of the bill would be achieved better by an Amendment Act" implying thereby that the Amendment Act would contain in it all the chief amendments sought to be introduced into the existing Act by Mr. Krishnan's Bill. The next sentence dispels that idea. "The Committee have therefore decided to *re-draft* the Bill". I submit a better word would have been "*reject*" the Bill, "embodying in it such of the

[Mr. K. G. Govindan.]

provisions of the bill as have been agreed to and adopted by the committee. "The definition of the word "Ezhava" and the provision with regard to marriages between Ezhavas and Non-Ezhava Hindus are highly controversial and the Committee have therefore decided to omit them." That is one of the main principles contained in Mr. N. R. Krishnan's Bill. The Committee have decided to omit it. Then the last paragraph of the Report. "On the question of partition, the committee have come to the conclusion that a declaration effecting a severance in status without even a claim by a member is inconsistent with the interests of the community;.....". Who said it is inconsistent with the interest of the community? That is one of the fundamental principles of Mr. N. R. Krishnan's Bill. That Bill says that the members of a Marumakkathayam tarawad shall be deemed to be Tenants-in-common from the date of passing of this Act. That is one of the most important principles and revolutionary also.

MR. PUTHUPALLY S. KRISHNA PILLAI: Was not the intention of the Select Committee to see that the bill is drafted in such a way that it would be in the interests of the Ezhava Community? That I think was the main intention of the Committee. They thought that the bill should be changed in such a manner that it would be in the interest of the community though some changes are made here and there in the principle of Mr. Krishnan's Bill.

MR. K. G. GOVINDAN: I am not now at the point whether it is good or bad to the community or whether it will serve the interests of the community. My only point now is to prove to this House that the principles contained in Mr. N. R. Krishnan's Bill have not only been accepted but have been entirely rejected by the Committee. That is my point.

As has been stated by the honourable Legal Remembrancer, it might be said that the Amendment Bill drafted by the Select Committee contains almost all the vital changes sought to be introduced by Mr. N. R. Krishnan's Bill. I shall presently show that it contains practically none of the suggestions contained in Mr. N. R. Krishnan's Bill. That is my next attempt. The honourable Legal Remembrancer said that the Amendment Bill contains in it almost all the principles in the original Bill and therefore it is not an Amendment Bill and that it is practically the original bill itself. That is the trend of the Legal Remembrancer's argument.

I shall presently show that the Amendment Bill does not contain practically any of the major provisions contained in Mr. N. R. Krishnan's Bill. Clause III of the Bill introduced by Mr. N. R. Krishnan reads as follows:—"The conjugal union of an Ezhava subject to the restriction of consanguinity and affinity with any Hindu, entered into in writing registered—" etc. 'Conjugal union of an Ezhava with any Hindu'. That is a vital change. This House which passed the Civil Marriage Bill will be rather slow in rejecting that provision. That is my firm conviction. But that provision has been rejected by the Committee.

Then with regard to marriage. Clause IV of Mr. N. R. Krishnan's Bill says:—"Notice of a marriage under this Act shall be given by the husband to such authority in such form and within such time as the Government may prescribe. On failure to give such notice the husband shall be liable to be punished with fine which may extend to Rs. 190. ———". That provision has been accepted by the Select Committee except with the change that instead of Rs. 190 they have put in Rs. 100. The Select Committee has accepted the principle contained in the provision.

The Select Committee has accepted Clause IX of Mr. N. R. Krishnan's Bill.

"Six months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, the Court shall declare in writing the marriage dissolved and shall proceed to determine the amount of compensation.....". That is a suggestion contained in Mr. Krishnan's Bill. As it stands to-day, marriage cannot be dissolved without a determination of the amount of compensation. Now the suggestion is that the marriage may be dissolved and then the question of determination of compensation proceeded with. That has been accepted by the Committee and I submit that that is the only provision which has been accepted by the Committee.

The other important provision in Mr. N. R. Krishnan's bill is with regard to the inclusion of father as an heir to the intestate. That, I submit, is a principle alien to the Marumakkathayam law. To make the father heir of an Ezhava male who dies intestate leaving him surviving children is revolutionary. But all the same that has been introduced in Mr. N. R. Krishnan's bill. That also is completely rejected by the Committee.

But in the case of an Ezhava male dying without children, Mr. N. R. Krishnan's bill says that the father also should be included as an heir. The Select Committee also accepts that provision. But there also, though accepting the principle in part they reject one of the foremost provisions contained in the bill.

In the existing Act when an Ezhava male dies without issues, then the brothers and sisters of the intestate also get a share of the property of the deceased. That provision is in Mr. N. R. Krishnan's Bill. "In the absence of the mother, the property which would have devolved on her had she survived the intestate shall devolve on the Thavazhi." That is what is contained in Mr. N. R. Krishnan's bill. But the Select Committee has rejected it. The Committee does not make any provision for sisters and brothers of the intestate. That again is a vital change. The provisions that is contained in Mr. N. R. Krishnan's Bill has been rejected without assigning any reason.

Then with regard to the self acquired or separate property of a female, Mr. Krishnan had included father also as heir. But the Committee has rejected father.

The most important provision contained in the Bill which has been harshly rejected by the Committee is with regard to partition.

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Mr. Krishnan's Bill says:—

"For the purposes of partition the members of a Marumakkathayam Tharavad shall be deemed to be Tenants-in-common from the date of the passing of this Act".

That is said in a very simple language. But instead of that the Committee have thought it fit to incorporate into the Amendment Bill some 5 or 6 sections. The Amendment Act says:—“(1) Subject to the provisions of Sections 29, 30, 31 and 33—

(a) every adult member of the Tharavad shall be entitled to claim his or her share of the property of the Tharavad:

(b) the majority of the adult members of a Thavazhi shall be entitled to claim on behalf of the Thavazhi the share due to the Thavazhi”, etc.

Then it goes on to say:—

“Explanation:—for the purpose of this section the share of the member shall be deemed to have become determined—

(a) by the presentation of a plaint in a suit by him for partition of such share; or

(b) by the presentation of a written statement claiming such share in a suit for partition; or

(c) by an unequivocal declaration made in writing registered in accordance with the law relating to registration of documents”.

What is all this, Sir,

What is unequivocal declaration and in writing registered and all that. It is very difficult to make an unequivocal declaration for an old man on his death bed. How to make an unequivocal declaration? Is he to sit up and write down “I hereby solemnly declare I have become severed in interest from my family”. Has it to be read over three times? Then it is said “in writing registered”. Is it enough to register it in the Anchal office? To whom is it to be sent? Is it to be sent to all the members of the Tharavad? All these things will lead to a lot of complications. Instead of that the provision in Mr. Krishnan's Bill is simple in language, legal in phraseology, concise in expression and lucid in meaning. Any lawyer can understand all the incidents connected with tenants-in-common. Instead of this simple provision the Committee has thought it fit to incorporate cumbersome provisions.

So, Sir the Amendment Act now under the consideration of this House, I submit, does not contain the main provisions contained in Mr. Krishnan's Bill. The Committee has without authority rejected the main principles contained in Mr. N. R. Krishnan's Bill. Therefore I submit that the Bill under consideration is not at all the Bill introduced by Mr. N. R. Krishnan. It is entirely a different Bill for which Mr. Krishnan is not responsible but only the Committee is responsible. Therefore I submit that the action of the Committee is *ultra vires*, that the Amendment Bill cannot be taken into consideration and that it should be recommitted to the same Committee with instructions to amend the Bill of Mr. N. R. Krishnan or this House may authorise the Committee to reject that Bill and introduce another amendment bill containing in it all the main provisions of Mr. Krishnan's Bill.

The motion fell through for want of a seconder.

DEPUTY PRESIDENT: The question before the House is that the Bill as reported by the Select Committee be taken into consideration. The motion was put and carried.

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

Clause 1 was added on to the Bill.

Clause 2.

MR. K. G. GOVINDAN: Sir, I do not move the amendment.

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

Clause 2 was added on to the bill.

Clause 3.

MR. K. G. GOVINDAN: Sir, I beg to move the following amendment:—

“Instead of Clause 3, insert the following and number the subsequent Clauses.

“In Section 5 of the said Act insert the following second proviso:

“Provided further that no marriage solemnised on or after the date on which the Amendment Act comes into force shall be deemed to be legally valid unless it is openly solemnised by tying mangalyasutram, or putting a chain, around the neck of the female by the male.”

Sir, the object of my amendment is to minimise the great complications and difficulties with regard to the question of marriage or the fact of marriage. Whenever a bigamy case comes up before a Court the first marriage or the second marriage is often denied. Sir, I refer only to cases where the parties are Ezhavas. The denial is based on the ground that there is no actual tying of Mangalyasutram. Mangalyasutram is a thread to which is attached the marriage token *viz.*, a *Minnu* or *Thali*. That is to be tied. Since that actual process of tying is wanting it is alleged that there was no legal marriage according to the Ezhava Act. According to the Act only in two cases, a marriage is valid. There must be an open presentation of cloth or tying of Mangalyasutram. Sir, I have seen a good number of marriage ceremonies. And in the majority of cases there is no open presentation of cloth. Of course, cloth is presented but not openly. The bridegroom takes the bridal cloth along with him to the bride's house. It is taken to the bride's apartment by a friend of the bridegroom. She clads herself in the clothes brought by the bridegroom and comes to the *Viyahamandapam*. There a chain is put by the bridegroom round the neck of the bride. In none of the marriages which I have witnessed was there a tying of the Mangalyasutram. Strictly it is not in conformity with law and strictly speaking 80 per cent of the marriages are illegal, because there is neither open presentation of cloth or tying of the Mangalyasutram. Fortunately a recent ruling of the High Court 30 T. L. J. 1051 held that the tying of the Mangalyasutram means also putting a chain round the neck. But for the ruling of the High Court 80 per cent of the Ezhava marriages would have been illegal.

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Now, Sir, it appears another case is pending before a Full Bench of the High Court where this same question is being re-agitated: Whether the tying of Mangalyasutram should not mean the actual tying of the thread or it should mean only putting a chain round the neck alone. The Full Bench may overrule the previous ruling or may not. My object is to prevent the High Court from giving different rulings on this point. Therefore I have had those words "putting a chain, around the neck of the female....." inserted.

MR. M. R. NARAYANA PILLAI: May I know what the "putting a chain, around the neck of the female" means?

MR. K. G. GOVINDAN: It is not my words, Sir, but those are the words of the High Court.

The amendment fell through for want of a seconder.

MR. K. G. GOVINDAN: Sir, I move the following amendment in clause 3:—

"In clause 3, between 'parties' and 'or' insert 'to'.

Sir, this amendment is intended only for the sake of having better English.

MR. KOTTALIL P. ABRAHAM (*Muvattupuzha cum Devicolam*): Sir, I second the motion.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the amendment is unnecessary. The absent of the word 'to' in the original clause has created no difficulty for the last 1½ years. Nor is it a mistake to the Ezhava community that in clause 3 of the Bill the word 'to' has been omitted. And further it has not given rise to any misinterpretation. If my learned friend thinks that the word 'to' will lead to enhancement of perfection of the legislation I can only say to him that he must be concerned not with these trivial things but with important questions of principle. After getting out of the House we must have a feeling that after all we have achieved something. The present amendment is sought to achieve not any substantial thing but it is which can be brought forward for the sake of grammar or symphony. There is nothing said in support of this amendment. I am, Sir, of the opinion that it is unnecessary and as such I oppose it.

The motion was put and lost.

MR. K. G. GOVINDAN: Sir, the honourable member Mr. N. R. Krishnan has accepted my amendment.

DEPUTY PRESIDENT: It is for the House to accept or reject the amendment.

The question that clauses 3 and 4 do stand part of the Bill was put and carried.

Clauses 3 and 4 were added on to the Bill.

Clause 5.

MR. K. G. GOVINDAN: Sir, I move the following amendment:—

Delete Clause 5 and substitute the following:

'For Section 16 of the said Act the following shall be substituted:

'On the death of an Ezhava male leaving him surviving no children but his widow, his thavazhi and his father, one half of his self acquired or separate property left undisposed of by him at his death shall

devolve on the widow and the other half on his thavazhi and his father in equal shares. In the absence of any one of them viz., his widow, his thavazhi or his father, the other two shall take the whole in equal shares and in the absence of any two the survivor shall take the whole :

Provided that the widow shall be entitled to be in possession of the intestate properties till division is effected."

In the Ezhava Act, the corresponding provision is Section 16. It reads :—

"On the death of an Ezhava male, leaving him surviving no children but only a widow and members of his Thavazhi, one half of his self acquired or separate property left undiposed of by him at his death, shall devolve on the widow, and the other half, on his Thavazhi. In the absence of the widow, the whole shall devolve on his Thavazhi and in the absence of any member of his Thavazhi, the whole shall devolve on his widow :

Provided that the widow shall be entitled to be in possession of the intestate's property till division is effected."

Now in this section, provision is made for the brothers and sisters of the intestate to take a share of the intestate's property. That provision has been in existence for the last so many years, from the date of the promulgation of this Act. No reason has been attributed by the Committee for rejecting that very necessary provision. The Committee says that, if an Ezhava male dies without children and leaving survivors father, mother and a widow, then, each of them shall get a share. But suppose there is no mother surviving the intestate, then, it naturally follows that the whole of the property of the intestate shall devolve on his widow and his father. Nothing goes to the brothers and sisters of the intestate. If the mother is alive, or the mother survives the intestate, of course, the brothers and sisters of the intestate also get something, because the mother gets something and after her death, her children may get her portion. But if the mother dies before the intestate, then the sisters and brothers do not get anything at all. My submission is that it is a very hard case. The acquisitions made by an Ezhava male, it is very natural, should go to his children. There can be absolutely no objection to that. But if he has no children, is it not very just that some of his property should go to his own brothers and sisters? Why should the entire property go to his widow who is childless and after her death, to some other distant family, with respect to which, the intestate has absolutely no interest except that he married a girl from there.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know from the honourable member to which section in the original Act he is referring :

MR. K. G. GOVINDAN: Section 16.

MR. KAINIKKARA M. PADMANABHA PILLAI: Where is the provision there to give the property to brothers and sisters ?

MR. K. G. GOVINDAN: Provision is made for his thavazhi. His Thavazhi means his mother's Thavazhi; and that means his own brothers and sisters and the issue how-low-so-ever in the female line.

MR. KAINIKKARA M. PADMANABHA PILLAI: And what is the difference in the present clause?

MR. K. G. GOVINDAN: That is exactly the point I am driving at. The honourable member evidently has not understood the clause.

MR. KAINIKKARA M. PADMANABHA PILLAI: I do not understand him.

MR. K. G. GOVINDAN: According to the Amendment Bill, when an Ezhava male dies without issue, his property shall devolve upon his father, his mother and his widow. But according to Section 16 of the Ezhava Act the property shall devolve on the widow and the members of his Thavazhi. Members of his Thavazhi means his mother and his brothers and sisters and the issue how-low-so-ever in the female line of his mother. But that provision is not here now. As I said, if the mother survives the intestate, there may not be any difficulty, because the mother, after the intestate, gets the share and that naturally may pass down to her children. But if the mother dies before the intestate, then the whole difficulty crops up. The brothers and sisters of the intestate get absolutely nothing. That provision which was in vogue for the last 16 years must have been repealed with reason, and the committee must have attributed sufficient reason for repealing that provision.

MR. P. KUNJUKRISHNAN: Why not the father's share go to his children also.

MR. K. G. GOVINDAN: It may go or may not go and even then it is only the father's share.

MR. PULIYLOOR T. P. VELAYUDHAN PILLAI: Is it not the case in the death of the mother also? If the mother disposes of the property she gets, how can the children get?

MR. K. G. GOVINDAN: That is, Sir, what I said. In the original Act, provision is made for his Thavazhi and not for the mother. His Thavazhi means his mother's Thavazhi which means his own brothers and sisters. That was the position in Section 16.

MR. PUTHUPALLI S. KRISHNA PILLAI: When this bill was introduced, did the honourable member or any member of this house raise an objection?

MR. K. G. GOVINDAN: Which bill?

MR. PUTHUPALLI S. KRISHNA PILLAI: Mr. N. R. Krishnan's bill. May I draw the honourable member's attention to Clause 15 of the original bill. In Clause 15, was it not the proposal that on the death of an Ezhava male leaving him surviving no children but only widow, father and mother, one half of his separate or self acquired property left undisposed of by him at his death, shall devolve on his widow and the other half on his father and mother in equal shares; in the absence of the widow the whole shall devolve on the father and mother, in the absence of the mother the property which would have devolved on her, had she survived the intestate shall devolve on her Thavazhi. In the absence of the father and members of his Thavazhi the whole shall devolve on the widow.

MR. K. G. GOVINDAN: That is exactly my point. In Mr. N. R. Krishnan's bill, the provision in clause 15 is 'In the absence of the mother the property which would have devolved on her had she survived intestate shall devolve on her Thavazhi'. It is explicitly stated in Section 16 of the Ezhava Act and in clause 15 of Mr. N. R. Krishnan's Bill. But it does not find a place in the present Amendment Bill. What is the reason?

MR. PUTHUPALLI S. KRISHNA PILLAI: You may add it.

MR. P. NARAYANA PILLAI: I second the amendment.

MR. N. R. KRISHNAN: I accept the amendment, Sir.

DEPUTY PRESIDENT: Mr. Puthupalli Krishna Pillai, have you got any thing to say?

MR. KAINIKARA M. PADMANABHA PILLAI: Sir, I have to say one word. I am afraid that this amendment is against the intentions underlying the amendment of the Act, and I was surprised to hear Mr. N. R. Krishnan accepting it. Of course Mr. K. G. Govindan's position is quite consistent with the one that he has taken from the beginning. He proceeds on the assumption that the Ezhava bill as it was introduced by Mr. N. R. Krishnan and the present Ezhava Act amendment bill are entirely different in their principles. If that be the case, of course, the present amendment is quite tenable. But, on the contrary, the Select Committee, as well as the Assembly to-day have expressed the opinion that the Ezhava Act Amendment Bill is not substantially different from the Ezhava Bill as it was introduced by Mr. N. R. Krishnan. If that is so then the position is different. The one guiding principle that was in the mind of Mr. N. R. Krishnan was the transference from the Marumakkathayam to Makkathayam. In the Select Committee also the whole discussion was in that line. Without entering into the details of the discussion in the Select Committee, I can say that the Ezhava members were definitely of the opinion that the last blow must be struck on whatever element there was of Marumakkathayam in the Ezhava Community. Personally, Sir, I would be glad if this Amendment is accepted. I would be glad if at least what obstacles still within the way of the final disruption of the community are maintained.

(Rajyasevapravina G. Parameswaran Pillai:-- *Hear, Hear.*)

When this morning the discussion began, and Mr. K. G. Govindan got up and invited the attention of his community and this Assembly to the dangers of hastily passing this Legislation, I had again a ray of hope that the Ezhava Community would at the last moment escape from falling into the tremendous pit into which we fell sixteen years ago. But that hope was frustrated. Now as it stands, Sir, what I have to say is that this Amendment is not consistent with the principles of the bill. If it is the purpose of the community to make individual partition unlimited and unrestrained, if it is the purpose of the community to wipe off even the last vestiges of Marumakkathayam and transfer themselves entirely to makkathayam with complete and absolute powers of division, then there is no sense in remembering Thavazhi for the purposes of the intestate succession. If on the contrary, the community consciousness is even for continuing what small vestiges

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there are of Marumakkathayam, if the community wants to check unlimited division of property and Tharawad, it is a welcome thing. There is no meaning in saying we want to wipe out Thavazhi and in the same breath to stand in the way of the widow, the mother and the father. Let us forget Thavazhi or remember it on all occasions. There is no meaning in beginning a Bill for the purpose of wiping out the old thavazhi system and then remembering thavazhi at inconvenient moment. Therefore it is, Sir, that I say that this amendment goes entirely against the trend of the Bill as it is placed before us.

I wish to make myself a bit clearer. I am not exactly opposing or supporting this amendment. My position has been all along to leave the bill mainly in the hands of the Ezhava community and allow them to decide what fate they must have. But after having decided their fate, I must ask them to be logical. If they want unlimited powers of division and rigorous makkathayam by all means let them have, but let them not at odd times remember the old poor thavazhi and bring it in just to frustrate the interests of a widow or a mother or a father.

MR. K. G. GOVINDAN: May I know how it is the perpetuation of the Marumakkathayam family if the Ezhava male died without issue and father and mother and the property is entirely to go to the widow and after that to some other entirely distant family?

MR. KAINIKKARA M. PADMANABHA PILLAI: Why do you care? Where is your brother and where is your sister? Having forgotten your brother, having forgotten your sister, having forgotten her children, what is the meaning of your thinking of your thavazhi at the eleventh hour? You have buried it. Either remember your thavazhi, your brother, your sister and your family right through and maintain the tarawad consciousness; or if you want to bury it, then bury it deep. The division of the self-acquired property of a man must be entirely and freely within his power and what is the sense in trying to introduce the thavazhi at the eleventh hour?

MR. K. G. GOVINDAN: Then may I know why the father should have been included?

MR. KAINIKKARA M. PADMANABHA PILLAI: Because the father is the father. It is exactly because we are forgetting the thavazhi and it is exactly because we are passing from marumakkathayam to makkathayam that the father is brought in. If it were marumakkathayam the father would not have been brought in. On the contrary, we are effecting a change from marumakkathayam to makkathayam. Therefore the father and in a way the father alone has to be remembered. Therefore, if you want to retain the old love for sister and brother and the tarawad, as Mr. Govindan suggested, let this Bill go back to the community. Let the community consider it again. There is no hurry, Sir. Perhaps I am making a belated cry in this wilderness. Yet I must say it.

Sir, some 16 years ago we enacted an Act, I mean the Nairs. I am not pleading any innocence to it. At that time like every other Nair who supported the Bill I too believed that the only remedy for the evils that existed in the community was unrestricted freedom for division. The one thing that haunted our minds was the idea of the Karanavan. Sir, Karanavars that mismanaged families, the uncared for condition into which the nephews were thrown and the various ills that accompanied those conditions preoccupied our consciousness so deeply that we forgot the possibilities of a reaction.

MR. KANNANTHODATH JANARDANAN NAIR: He was saying that that every Nair supported the Bill. May I know whether that is a fact?

MR. KAINIKKARA M. PADMANABHA PILLAI: I said 'like every other Nair who supported the Bill I too believed'—Should I repeat the whole sentence? Sir, I was saying that I am not innocent because whatever small powers I had at the time I also spent for bringing that Bill into effect. Now, Sir, at the end of 16 years, I am fully convinced, convinced by bitter experience that no other legislation has ruined a community more quickly than the Act that enabled the individual partition of the Nairs. The community that was the back bone of the State has been so disrupted and so divided. The Nair community has begun to pause, to take stock of the whole situation and they have begun to feel that if this individual partition has removed certain ills, it has brought more evils that it has removed, and that the whole position has to be revalued and reassessed. We are thinking deeply and thinking furiously what we can do at least to give a check, at least to postpone the evil day. Of course, going back is more difficult. We know it. To take a plunge into the sea is easy but the coming back to the shore is difficult. The going back is difficult, but yet the community must go back or else the community is finished and lost. For in a country where various contending communities are engaged in bitter struggle for existence no community can lead a life worth living if its financial position is shattered and the financial position of the Nair community is shattered.

Now, Sir, with this melancholy example before them the Ezzhavas are rushing on. I can only say that I am really sorry. The other day when in the Select Committee I said this, when I said, 'we are ruined please do not rush to the same fate' one Ezzhava friend smilingly asked me to allow them also be ruined. I did not vote against their wishes then and even now I will not vote. In these social legislation the deciding factor has to be the community concerned and if the community feels that it is really in their interests it is certainly open to them to adopt such a provision. In such a case, I shall merely wish them all success. But this is no joke. I speak with all the earnestness I can command. I am convinced by my experience, by my bitter experience by what I have seen happening before my very eyes, by the ruin that has befallen not one or two but thousands and thousands of families, that unrestricted powers of fragmentation and of divisions will ruin the solid

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financial foundation of any community. Therefore if Mr. Govindan's suggestion is taken in its full implication if the community is prepared to pause and think, it would be a happy thing. After all, Sir, is a community going to decide its fate within a year or two? It has got a life infinite. Why not the community wait and pause? Why not it see what is happening around it, study the situation, take things coolly? On the contrary, if conclusions have already been arrived at and if marumakkathayam and tarawad are to go, if partition is to be accepted, if makkathayam alone is to be the fashion, by all means go ahead, but let us be consistent and let us not have these untimely qualms of conscience which may not help us one inch forward.

In conclusion, Sir, let me once again request the Assembly and especially the members of the Ezhava community to pause and think.

SADASYATILAKA T. K. VELU PILLAI (Trivandrum): Sir, Mr. Padmanabha Pillai's speech persuades me to say a few words in spite of a very consistent effort I made to hold my tongue. It is a very important question which is being discussed to-day in this House. I am obliged to my friend Mr. Padmanabha Pillai, younger to me in years, possibly younger in experience, and younger certainly with regard to the ideas about Marumakkathayam and Makkathayam. The question is which is the law that should govern families hitherto governed by the marumakkathayam law. I congratulate Mr. Padmanabha Pillai on the straightforwardness, the lucidity and the courage of his utterances. Sixteen years ago, more correctly seventeen years ago, it was to some of us a sorrowful spectacle to see laws being passed by the old Legislative Council in a manner as to dismember a powerful community, a community, which has stood for strength, sobriety and patriotism. Some of us who had learnt the principles of legislation and had understood the condition of the Nair, the Ezhava and other Marumakkathayam communities, were obliged to raise our voice of protest against the indiscriminate manner in which the rights of members of tarawads particularly of Nair women and of women's progeny were being sacrificed at the altar of so-called social reform. I, Sir, was one of those very few individuals who set his foot rather firmly and tried to prevent the attempt: but the avalanche of self-opinionated judgment was carried itself to such an extent that when very important questions were raised I could hardly secure a brother member to second my motions.

I remember it all with no small pain. However it is rather late in the year 1117 to cry halt. The Nairs were behaving in a very friendly manner with the Ezhavas, with the Malayala Brahmins, with the Kshatriyas and with others, and because theirs was a community which once was powerful they were considered to be leaders of public opinion in certain matters. The movement towards makkathayam was sponsored by an organisation of the Nairs, an organisation which from that day to this has been growing strong, an organisation which in its capacity for demonstrative ornamentation is equalled only by its capacity for

usefulness, the Nair Service Society led a militant movement against the last vestiges of the defenceless Marumakkathayam system. Many of its leaders and some of the followers obtained prominence; some were raised to heights in the official as well as the non-official world. The protests made against the dismemberment of the families went unheeded and the law was substantially changed by legislative processes. When the Nair community and those other communities which were friendly to them willingly let themselves to be operated upon by new motions, untested, unverified and accepted without reflection, fundamental changes were accepted and new concepts engrafted on the old law. Now, after all that had been done, after the backbone of the Marumakkathayam system had been broken it is not easy for any person to come forward and say that there must be some vestiges of the Marumakkathayam system brought on by way of reincarnation. To say that it would be easy, to say that it is expedient is a position which requires no small courage to maintain. I am glad I am here to-day as a connecting link between what passed sixteen or seventeen years ago and what is being transacted in this House to-day. But, Sir, whatever be the result and whatever be my views, I must congratulate Mr. Govindan on his efforts. Not that I give him any promise of support. Let the matter be argued, and let the community have an opportunity to understand the position. I am not concerned with the Marumakkathayam theory. It is claimed that in sixteen years, history has proved that the modified system is a most unpatriotic, unworkable and indefensible system, one which has dismembered not only Nair Tharawads but also other Marumakkathayam Tharawads. So far as I am concerned, I have been quite as friendly with the Ezhava community as with the Nair community. I was in the old Council where the Ezhava Bill was considered. The Ezhavas were very reasonable and were able to take care of themselves. Therefore it was that in spite of the beacon light that was held out by powerful Nairs at the time it was decided not to take any sudden jump all at once. I find from the speech of Mr. Padmanabha Pillai who represents a great organisation that it was a mistake to have partitioned tarawads and therefore the present law should be amended. I think, Sir, Providence is after all merciful. I only want to say to the Ezhava friends, "you know what is best to be done. If the community has made up its mind, I shall be most happy to support them." I congratulate Mr. Govindan for the courage with which he has proposed this bill. I congratulate the Nair Service Society on the support which one of its prominent members Mr. Kainikkara Padmanabha Pillai has chosen to give the movement.

MR. K. G. GOVINDAN: Sir, I move under para 17 of the Manual that this business be adjourned.

MR. K. KUNJU PANICKAR (*Mavelikara cum Kinnathur*): I second the motion.

The question that the consideration of the Bill be adjourned was put and carried.

RESOLUTIONS.

The following resolutions were not moved :

Appointment of an additional Munsiff in the Parur Munsiff's Court.

1 MR. A. K. KUMARAN VAIDYAN : This Assembly recommends to the Government to appoint an additional Munsiff in the Parur Munsiff's Court.

Recruitment to departments coming within the purview of the Legislature.

2 MR. K. P. KOCHUKORA THARAKAN : This Assembly recommends to the Government that recruitments to all departments coming within the purview of the Travancore Legislature be placed under the control of the Public Service Commissioner.

Communal organisations and the payment of filing fee.

3 MR. KAVIYOOR K. K. KOCHUKUNJU : This Assembly recommends to Government that the communal organisations registered as charitable institutions under the Travancore Companies Act be exempted from the payment of filing fee.

Restriction of appointments from over-represented Communities.

4 MR. A. K. KUMARAN VAIDYAN : This Assembly recommends to Government that further appointments in the service from over-represented communities be stopped for at least 10 years.

Appointment of members of backward communities as teachers.

5 MR. KAVIYOOR K. K. KOCHUKUNJU : This Assembly recommends to Government to remove the hindrance caused to backward communities quite inadequately represented in public service by appointing the candidates for teachers' posts from such communities in the Education Department irrespective of their acting services and by exempting them from the rules relating to training.

Recruitment to the Public Service.

6 MR. K. P. KOCHUKORA THARAKAN : This Assembly recommends to Government that regional representation may also be kept in view when recruitments are made to the Public Service on the principle of communal representation.

Abolition of capital punishment.

7 MR. G. VELU PILLAI : This Assembly recommends to Government that capital punishment be abolished.

Abolition of the post of the Public Service Commissioner.

8 MR. A. K. KUMARAN VAIDYAN : This Assembly recommends to Government that the post of the Public Service Commissioner be abolished.

Current for agricultural purposes.

9 **MR. K. P. KOCHUKORA THARAKAN** : This Assembly recommends to Government that current from the Pallivasal Hydro-Electric Works be given for agricultural purposes in Travancore at a lower rate (irrespective of the quantity so consumed) than that at which it is given for any other purpose.

Educational Policy of the State.

10 **MR. K. P. KOCHUKORA THARAKAN** : This Assembly recommends to Government that seventy-five per cent. of the Government Malayalam and Tamil primary schools in the State be handed over to private agencies, the remaining 25 per cent. alone being run by Government a model institutions.

Improvement of agriculture through lift irrigation.

11 **MR. K. P. KOCHUKORA THARAKAN** : This Assembly recommend to Government that agriculture in Travancore be improved through lift irrigation by supplying to the cultivators of the State electrical energy at a rate not exceeding three pies per unit for purposes of lift irrigation

Assignment of lands on Kuthagapattom for cultivation of food stuff.

12 **MR. K. P. KOCHUKORA THARAKAN** : This Assembly recommends to Government that in view of the present war situation the unassigned tharisu lands and open parts of reserved forests be given on kuthagapattom to agriculturists of Travancore for cultivation of food materials till the war ends and food materials become largely available.

Appointment of Other Hindus in the various mechanical lines in the State.

13 **MR. KAVIYOOR K. K. KOCHUKUNJU** : This Assembly recommends to Government that facilities be afforded for professional training to candidates with general education from Other Hindus by admitting them to the mechanical lines of the Engineering, Electric and Transport Departments by way of encouragements in business.

SADASYATILAKA T. K. VELU PILLAI : Sir, I move the following resolution :—

This Assembly recommends to Government the immediate adoption of measures for the relief of distress and the improvement of the economic condition of the people with special reference to food and housing conditions as a definite step towards post-war reconstruction, and that a committee composed of 12 members, the majority of whom shall be members of the Legislature, be appointed to carry out the purpose."

I am rather at a disadvantage because on a perusal of the papers I thought that this resolution will be taken up later. But in this particular case, when the subject is so important, when the ideas that I have to place before this Assembly have clarified themselves during many years of thought and study, one will be able to say at short notice what he has to say. And I shall, with your leave, Sir, attempt to do so taking as little time as possible. There is this aspect also namely

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some of the points which I thought of raising now, may have to be raised this afternoon in connection with the adjournment motion tabled by my friend Mr. G. Valu Pillai.

It has been very often maintained that the Government of His Highness the Maharaja of Travancore has been doing everything in their power to alleviate distress, to assuage poverty and to encourage economic development. Whatever that be, notwithstanding the benevolent intentions of our august Sovereign and despite the efforts taken by his Minister in implementing and expediting large schemes, notwithstanding all this the sum total of achievement is not quite satisfactory. I am not going to say why it is so just now. But in a country to which providence has been particularly merciful, in a country where the people are peace loving and loyal, in a country where there are good seasons, plentiful rainfall and enough sunshine, it is a pity that poverty has not been sufficiently assuaged. That is a standing commentary on the work done so far. Twenty years ago a resolution was moved by me demanding an enquiry into the working of the Development Departments. It was a great occasion. But because some attractive resolutions happened to be balloted along with it the eagerness to some of my friends to support those resolutions prevented a full discussion on my resolution. No doubt I said what I had to say. I do not propose to trouble the Assembly by repeating it. But the main features that were then correctly laid before the Council and which if repeated will be correctly laid to-day, those features alone I shall place before this House in support of the resolution I am now moving. The real difficulty, the besetting sin of enterprises in that direction, was that the departmental heads were more particular to watch and guard their particular interests from their own heights of power and prestige. Very often there was conflict between the Conservator of Forests and the Director of Agriculture, between the Land Revenue Commissioner and the Excise Commissioner so on and so forth. Sir, I am glad to say that the relationship between the present Director of Agriculture and the Conservator are good and they were working in unison. But generally speaking there is always a rivalry between the heads of departments. We are suffering for past sins. We are suffering for want of food and good housing conditions and even good drinking water in certain places. I wish to ask one question. If the Government of Travancore take credit for Travancore being the most educated part of India, for Travancore being the most ancient and civilised country and for that reason demand certain rights on behalf of six million people,—are we not as people who share in shaping the destinies of the country, in advancing the interests of the country and the State by making our individual contributions— are not the people entitled to get their share of the benefits?

Therefore, while recognising the good work that has been done and is being carried out, while thanking the Government for the noble example set out by them recently by providing a provision for the relief of distress, at this time when dreadful news filter through the different places, at a time when the whole civilisation is in jeopardy, when

creation lies prostrate before need and cruelty, at this time when our sources of supplies fail, when paddy and other food stuffs are difficult to get and that for some time to come, when our difficulties are likely to increase instead of being abated, am I not on behalf of the voiceless millions entitled to take a little time, and a valuable part of the time of course, of this Assembly in placing certain proposals before it? What I wish to say in this connection is that help, however liberal, cannot be too much. But no Government can afford to feed all the poor in this manner. If discriminate charity is resorted to, if, indiscriminate indulgence is given to the poor, the history of the *gracchi* at Rome will be repeated. I remember to have referred to the same instance once before in this House. No self-respecting person will find it to his permanent interest if he accepts charity freely in the shape of doles. No Government will be doing its duty if it makes indiscriminate provision for giving food to all the people. What, as a citizen of this country and a member of this Assembly, I demand of Government is that it should make it possible for people to earn their livelihood, and to earn it by the sweat of their brow and not by making them to resort to places of charity. Yesterday, Sir, I was happy to find my honourable friend the Chief Secretary coming forward for a grant, though it was a small sum of Rs. 5,000, for the benefit of the refugees from Malaya and from Burma. Though the demand was only Rs. 5,000 in principle it was a great one. We in Travancore have always been kind to the poor, the down-trodden and the depressed. Seventy five years ago when there was a famine in Tinnevely and Madura Districts our Government in fact not only gave food to the refugees but also gave them money, to enable them to re-start. This gesture of Government is very very commendable.

Another argument which I wish to place before the House for its serious consideration is based on the enlightened policy of Government in giving sufficient food to convicts. There is a large number of people in the Central Jail and in other Jails who are suffering imprisonment as a result of having committed crime, dacoity, arson and so forth, people in whom my good friends of this Assembly and the editors of respectable journals would very often interest themselves and ask for them a higher standard of comfort. Sir, if these offenders against the laws are to be looked after so tenderly, if refugees who come to our country from distant parts be treated with so much kindness, if people are to be helped for going to Malaya and coming away distressed, could not some help be given to those who remain here and starve? Is there not a standard for extending some degree of help for those who have not offended against the law? When there is very little food, when there is no good housing accommodation, when harvests fail, when taxes are regularly collected—the Revenue Recovery Act is a very powerful weapon in the armoury of the tax collector—when there exists such conditions, it is legitimate that some help should be given to them as well. The agriculturists as a class are suffering. As far as fertility of lands is concerned, in one year it will

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be poor, in the next year people will hope to get more; the year after something reasonable. But it will be still less. Such is the nature of the occupation. There are labour troubles in this country. There are people who get offended at the mention of labour troubles. I have no sympathy for any unconstitutional attempts if they take place in any country. As a human being, is it not my right, is it not the duty of every one of us to recognise this scientific fact that it is because there is no work, and people cannot get enough for their stomach that this kind of agitation crops up. Therefore, it is with sympathy that the whole question should be considered. Food must be provided for the people. Government should be anxious about it. A beneficial Government which is a continuation of the Government of a great modern State the continuation of good work which is being carried on for the many centuries, it is the duty of such Government to provide food for the combatants among the people. This beautiful country of ours is under the stewardship of a very distinguished and patriotic Ruler. Sir C. P. Ramaswami Aiyar and his achievements for the good of the country are well known. When such is the position are we not justified in asking Government to find a solution for the food problem and see that the efforts of the heads of departments are also directed towards that one purpose. It may be that the answer which the Government may give will be in a particular form. I cannot put a hypothetical argument. All that I wish to say is that unless a genuine, bold, sympathetic, sustained and systematic effort is made in Travancore, this State, which is being regarded as an oasis of delight will cease to function for the delectation of the world. Therefore Sir, I request this Assembly to pass this resolution. Every one of my friends present here knows the country. The atmosphere is favourable. The economic and political consciousness of the people are also known to every one. Such being the case, a sympathetic treatment has to be given to the resolution, especially when His Highness the Maharaja has commissioned this Government to do everything for His people. This resolution must be approved by this House. Remember His Highness's especial solicitude for the people. When there was a flood in Central Travancore some years ago His Highness the Maharaja himself visited those areas. When His Highness went, His Highness' mother also accompanied him. When there was malaria in the country Their Highnesses visited those parts affected. The gloom and despair and desolation prevalent among the patients vanished on that score. When such is the history of Travancore, when such is the benevolent history of ten years' reign, when the reins of administration are in the hands of a minister who has seen much public life, who has seen Indian conditions, who has studied world conditions and is a tower of strength, whose ambition in life is to do good, when such a person is the Dewan, I have no apprehension that my resolution will not be accepted.

The circumstances are favourable. At present, there are no shackles. If the Dewan is one who has risen from the ranks of the

Revenue Department, the sum total of his life and ideas in certain matters may not go very far in these matters. Fortunately, we are better placed. I may also refer to another officer who is associated very intimately with the Dewan. I mean the Chief Secretary, the leader of this House. I am very glad that this officer who is next to the Dewan, who is collaborating with him and who has also understood the real implications of the food problem, is one who had been a non-official and a very active member of this House. All things considered, we are in a favourable atmosphere. I hope that notwithstanding the manner in which the resolution is worded, its inadequacy, the House will be pleased to accept it.

MR. KOTTALIL P. ABRAHAM : May I know the specific line of action which Government have to adopt for solving the food problem?

SADASIYATILAKA T. K. VELU PILLAI : That requires a very lengthy answer. Unless the Chair is particularly indulgent to me with regard to time I shall not be able to do justice to my proposals. As regards the nature of the enquiry, it must be possible for the Government to devise certain measures whereby, every available land could be properly cultivated, whereby the cultivator could be encouraged to cultivate his available lands. Loans and donations should be granted to the cultivator if need be as well as to those who are rendered houseless. It must be possible to finance certain small ventures. It should be possible to throw out porambokes and other lands which are kept idle with Government for cultivation. Forests will have to be exploited in a legitimate sense. We find, Sir, that cattle in Travancore are not getting normal food. They appear as skeleton instead of being animals in flesh and blood. There is real difficulty due to lack of fodder. Facilities should be provided for fodder crops to be raised. It is possible to grow magnificent grass in our land of abundant rainfall. There are people who like myself who have repeatedly brought to the notice of Government year in and year out, that more roads should be opened in the forest areas. There are very many forest areas rich in fodder crops. That has to be properly maintained.

Secondly, Sir, I wish to say that in the case of fish and fishermen, facilities should be provided for the rearing of fish in larger quantities in inland waters. At present, facilities are lacking. Something has to be done for these poor people the fisher-folk who have very little to eat and live and who I believe have to go far into the sea to catch fish. All the same the miserable condition in which the fishermen live should be alleviated. One meal a day is a luxury in their case. This poverty has to be got rid of. Conveniences have to be provided for in the case of the agriculturists. Irrigation tanks have to be properly maintained. Water has to be stored up in times of rain. New tanks have to be made wherever needed. Sir, the tanks available for use in older days have got silted up. They have to be looked into. Those were days when tanks could be made without much cost. After a period, Government's attitude was different. They had a

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fascination for getting money. In that view they sold away some of the most important irrigation tanks. Instead, the Pechippara reservoir was built. For some years, it served the irrigation facilities satisfactorily. When seasons failed, there was no sufficient water in the reservoir. There are large tracts lying barren. Such a state of affairs should not be allowed to continue. But, as far as possible, these defects should be rectified. I want to quote one passage which I learned from Mr. Subramonia Karayalar when I was young.

வாய்ப்பு நன்றும்
நன்றி பயிற்சும்
பயிற்சும் குடியும்
குடியை காணும்

These ideas have been appreciated centuries ago.

MR. KOTTALIL P. ABRAHAM: Will the honourable member give a translation of the same?

SADASYATILAKA T. K. VELU PILLAI: All that it means is that given plenty of water to the cultivator, cultivation will prosper, the country will prosper and the people will prosper and so the King. Therefore I wish to say that if anybody having registered large areas of land pursues a dog-in-the-manger policy and speculates for the years to come for the benefit of his grand-children and grand-children's grand-children, that should not be allowed. In previous years Government had not devoted its attention to remedy this defect in spite of repeated arguments. They allowed some people to follow a dog-in-the-manger policy. This is what I myself said in the Council many years ago.

".....if a man who has got an extensive plot of land registered in his name under certain terms, and if he does not act up to his tacit promise to cultivate it, the Government should take action and get him to surrender the land which is unused. So that, in regard to registry a modification is necessary. When this is done, people will not allow lands to remain barren. A man who has lands must cultivate them; otherwise he will have to surrender them."

I appreciate the Cochin Government for having taken steps early enough in that direction. As I said, it was my privilege 20 years ago to say these things. But because Government in those days had not that sense of responsibility and responsiveness to public opinion, things were allowed to continue like this. But now Government have begun to take the representatives of the people more into their confidence. We find officers taking inspiration from His Highness' Government and evincing a conciliatory, reasonable and patriotic attitude. If that is done, we on this side of the House will be only too happy to cooperate with Government. I wish that in the interest of the State something should be done which will not be frustrated in the years to come. I think such a thing can be done by the appointment of a committee. The question is not merely one of preventing the importation of paddy. But it should be possible to produce and stock paddy on a systematic basis. The other day, I happened to see a photo of

some people taken some where near Alleppey. It is a pitiable sight to see the starving people of Alleppey in that photo. Alleppey is a port and a town. If this is the condition of the people in the towns what is the condition of people in the interior? I say that every effort should be made to see that in addition to stopping the importation of paddy, a systematic course should be adopted to make the country self-sufficient in the matter of paddy.

Then, with regard to cocoanut. I do not think that hereafter it will be possible for cocoanut growers to get as much income for this commodity as they used to get in olden days. The markets have dwindled. Substitutes have taken its place. Cocoanut, pepper and even cardamom are slowly losing the market. Therefore, as I said in the morning, a lot of experiments should be conducted in our laboratories by our experts and these experiments must be very strictly supervised by Government. There is no use transferring experts from one department to another indefinitely. This is an important question of providing food for the starving millions. The experts should consult the people and give direction to the University authorities. Therefore I say that all these things should be seriously considered by Government and steps taken sufficiently early to prevent the people suffering from starvation.

There is no sense in sending away all our cocoanuts to outside countries. We have lost our foreign markets. Therefore we should make it possible to use cocoanuts in a variety of ways in our daily consumption. There are ever so many experts in this country; experts in Physics, experts in Chemistry and experts in ever so many other matters.

DEPUTY PRESIDENT : The House will now adjourn and meet again at 2 P. M.

The House adjourned for lunch at 1 P. M. and reassembled at 2 P. M. with the Deputy President in the Chair.

NEW MEMBERS.

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

1. Mr. K. R. Narayana Aiyar
2. Rao Bahadur T. V. Venkiteswara Aiyar

SADASIATILAKA T. K. VELU PILLAI : Sir, I was trying to explain the several ways in which improvements may be effected and measures adopted for economic reconstruction and development. Whatever be the efforts made by Governmental authority or Non-official agency the fact will have to be recognised and acted upon that it is mainly from agriculture that we can get the wherewithal and sufficient substance for the increasing needs of the population. I may be permitted to refer to an episode narrated in Maha Bharatha. When the subjects of King Prithu were in distress in a season of draught the King was approached by a representative body. "Your Majesty" they said "we are your children. You must help us, you must give us food". After a short reflection the King drew his bow and aimed at the earth and said

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“Mother Earth, I have to provide food for my subjects. If you withhold any portion of your treasures I will break you in twain.” Then Mother Earth opened and was so ashamed said “Oh: King utilise my service. I shall withhold no more”. You may have a great quantity of Pallivasal electricity. You may have good roads, good rivers and good bridges. But, it is only the intensive cultivation of the land which will provide the means of livelihood for the people. With reference to that I have once more to mention that agriculture is deteriorating for many years. The throwing open of the higher lands to cultivation, has had a very bad effect in one direction. Large quantities of earth are brought down by the streams and channels. Rivers get choked, bridges are sometimes washed away, and paddy fields are often filled with earth. That is a common phenomenon in the whole of India. But that is no reason why we should not, try to prevent it, at any rate to minimise its injurious effects. Then there is the question of irrigation. It has been the privilege of many of us to bring this matter to the attention of Government from time to time. Resolutions have been moved and have been accepted. As I said once, unless science demonstrates the possibility of cultivation without the help of water, we have to maintain our irrigation tanks. Greater attention should be bestowed on irrigation tanks.

The next point that I wish to emphasise is with regard to the rotation of crops which the Agriculture Department has been advising for these many years. But there has not been much of a tangible benefit. I find a disposition on the part of many people, those who know and those who do not know things, with regard to the cultivation of tapioca a disposition to believe in its permanent efficacy. People must have something to eat. Because the quantity of paddy is inadequate, it has to be supplemented by tapioca. But the cultivation of it is not properly regulated. There is no rotation of crops. More than that the life-giving element, fish which is considered essential to supplement the nutritive value of tapioca, its supply is getting very inadequate. I heard the present Dewan in the course of a public speech delivered at the Beach saying that the Travancore Government was fish-mad. But what has the Government done? There is some extent of fishing in the sea and in kayals and some of the rivers. Government which did not make any profit now out of it till recently is now making some little profit. That revenue is made by a tax imposed on nets. The catch is from what nature provide. But what about the numerous tanks in North and Central Travancore? There are tanks which can maintain a family of crocodiles in those parts. Nothing is done for rearing fish in those tanks. Of course the Fisheries Department may have brilliant colours and advertisements. The Aquarium and the University can justify their existence only if they encourage the cultivation of fish in those waters. I shall not proceed any further in that strain about this subject and take more time of the House. Much is said about the shark oil. All these things have to be looked into. I

do not think that there is any infallible law of nature or any ordinance of God which says that a man should take 3 meals of rice every day. There are other things besides rice and food. Diet must be so regulated. It is there that coconut comes into importance. We are having experts in physics, experts in chemistry and experts in every other subject under the sun. But what is the use of experts. What is the use of an expert who has been experimenting in the laboratories for hours together on the quantitative and qualitative aspects of materials and who possesses the benefit of his University degrees being asked to suggest how many benches should be transferred from one institution to another. Whether Travancoreans or outsiders, we have got a number of brilliant people whose services could be utilised for the well being of the State. I suggest that the talents of these people must be utilised to find out new food supplies. I think I shall not be justified in taking more time of the House about this point.

There is only one other point that has to be said. When a resolution is worded in general terms there is always a tendency on the part of Government to say that it is so difficult and so comprehensive. But when there is only one specific issue there is the possibility of accepting it. Nation building activities are many-sided and joint efforts of all the Departments have to be concentrated upon it. Here our people are crying for food who see before them spectacles too lurid to be described. I know that if the Government is prepared to take up the matter, all defects will be rectified. It is in the full hope that Government will take up the problem in all its seriousness and the Agriculture Department will do all that is possible within its power that I place the resolution for the serious consideration of the House.

I therefore hope that the Government will accept the sense of the resolution and the officers of Government and non-officials who have the privilege of serving on this committee will realise that God has given them the opportunity of doing real work for this great country and as such they should not lose this opportunity. With these words I commend the resolution for the acceptance of the House.

MR. M. R. NARAYANA PILLAI : Sir, I whole-heartedly support the resolution moved by Mr. T. K. Velu Pillai. Very little is however left for anyone to say on the subject because the mover himself has thoroughly dealt with it. But one thing I wish to point out to the House. There are now several committees here and all those committees are rendering very valuable work in the matter of advisory services. But there must be one thing assured. Whatever advice they give that should be implemented. If any committee as contemplated in the resolution is to function well, ample power should be given to it to make Government do the things which they recommend. It is not enough that suggestions are made and sent to Government.

Sir, with regard to post-war reconstruction, we are daily hearing what other countries are doing in this respect. Even the other day, I read from the papers that although much havoc was done to London, London is now more or less what it was before. I don't say that all the shops and other buildings exist as they were before. But what I

[Mr. M. R. Narayana Pillai.]

want to stress is that London has readily responded to the work of repairs and constructions that are necessary. In the same way, we need not wait for peace to come to begin our reconstruction work. Here in Travancore we have been endeavouring to industrialise the country, and in our endeavour to industrialise the country, we forgot what the country really needed *viz.*, adequate production of food-stuffs. Sir, in our efforts to industrialise the country very large sums of money have gone out of the country for machinery. We cannot eat machinery. We have got very little use of it in this critical period. We ignored the idea of cultivation-intensive and scientific cultivation. We have ignored what we could do with our land to tide over the present crisis. We have been indifferent in giving proper training to our children and to our student population in the cultivation of our lands. That was the reason why I suggested when a motion was moved some weeks ago for intensive cultivation of paddy, by Mr. Dominic Joseph, that our schools and colleges should even be closed down for 3 to 5 years and that students should be sent out to get themselves trained in agriculture and that they should not be readmitted to their institutions unless they come back with an adequate certificate of proficiency in agriculture. With these words I second the resolution moved by Mr. T. K. Velu Pillai.

MR. D. C. JOSEPH (*Nominated*): Sir, I whole-heartedly support the resolution ably moved by Mr. T. K. Velu Pillai. This matter is to be very seriously tackled as we are now in the very acute moment of our existence. Sir, here also we are already in a military atmosphere. There are three types of armies now in our State though not recognised by the authorities as such. One, the army of beggars; the second, the army of unemployed young men; and thirdly the army of evacuees from various countries. Unless sufficient provision is made for them we will be very soon meeting with a very serious situation. Now, every country is faced with this problem and they are all making adequate provisions to meet such emergencies. That is the duty of every Government solicitous of the welfare of its subjects. Here, I may say that Travancore is not behind any other country similarly situated. Our Government have already taken up measures to meet this growing problem. There is the Pallivasal Scheme and there is the industrialisation schemes now in progress. But, the serious problem to solve is the problem of cultivating food crops to make our State self-sufficient in the matter of food supply. Our Dewan has already stressed the need for us to cultivate every inch of our land available for cultivation in the State. Surprisingly we see here that thousands of acres of land owned by big land owners and jemmies and the majority of these lands lie uncultivated. I am of the view that these lands should be apportioned to the landless and they should be asked to cultivate them. If any such lands were allowed to lie uncultivated they should be subjected to penal assessment. If this is not done the problem of starvation could not be easily solved.

Sir, another thing that I have to point out to this House is that the Government should discourage the importation of yarn and other articles which can be produced here. There are lands in Travancore fit for the cultivation of cotton or any other crop which will be advantageous to the general welfare of the country and will conduce to the economic progress of the State as a whole.

Time is up Sir, when we should seriously think of developing our forest resources without impairing the usefulness of the forest. When the life of human beings are more important than the preservation of timber and ivory, Government should see whether they cannot utilise the fertile portions of our forests for growing food crops. The present day war has taught the world that after the destruction of accumulated wealth and the emblems of wealth, the human being will still survive. This should engage the attention of every Government. But our Government is not backward in this direction. Every arrangement and every step are being taken to develop the economic condition of the State. Mr. Velu Pillai has rightly said that the Professors of the University should be given their proper work. We have got the Agriculture and Industries Departments. All these Departments should be joined together to find out ways and means to see that the people should not become poorer as a result of the after effects of the War. For this purpose intensive agricultural campaigns would alone be helpful. The present Director of Agriculture is an energetic young officer of sufficient experience and enthusiasm. Under his efficient leadership I am hopeful the country will be progressing towards a well-planned system of agricultural renaissance. Sir, in this connection I must point out that rotation of crops is indispensable, because, paddy alone will not save us from this crisis. We are now depending on Siam, Burma, and Indo-China for our subsistence. Now it is patent that nothing can be got over from there. Therefore we must see that instead of depending entirely on paddy some other crops of much food value is also widely cultivated in the country.

To my mind a proper margin should be left for the development of industrial resources. For, there is, as I said at the outset, an army of unemployed youngmen now practically starving in the country. But I am glad to say that our Dewan has tackled the problem already by starting various industrial schemes providing employment for a large number of them. With these words I strongly support the resolution.

MR. K. KUNJU PANICKER : മി. ടി. കെ. വേലുപ്പിള്ള അവതരിപ്പിച്ച ഈ പ്രമേയത്തെ ഞാൻ പിൻതാങ്ങുന്നു. നമ്മുടെ രാജ്യത്തു യുദ്ധം ഉണ്ടാകുന്നതിനുമുമ്പായിത്തന്നെ ടാരിട്രും വളരെ വർദ്ധിച്ചുവരികയായിരുന്നു. ഈ രാജ്യത്തുള്ള ജനങ്ങളുടെ ഭക്ഷണത്തിനാവശ്യമായ നെല്ല് അരിയും അന്യ രാജ്യത്തുനിന്നും ഇറക്കുമതിചെയ്തു കൊണ്ടിരിക്കുകയായിരുന്നു. കുറഞ്ഞ പക്ഷം ൪൦ ശതമാനമെങ്കിലും അങ്ങനെ പുറമേനിന്നു വരുന്നതിനെക്കുറിച്ചുണ്ടിരുന്നു. പ്രധാനമായി ഇൻഡോചൈന, സയാം, ബർമ്മാ മുതലായ

[Mr. K. Kunju Panicker.]

സ്ഥലങ്ങളിൽനിന്നാണ് ഇവിടെ നെല്ലും അരിയും ഇറക്കിക്കൊണ്ടിരുന്നതു്. പക്ഷെ യുദ്ധത്തിന്റെ ഗതിവിഗതികൾകൊണ്ട് ഇപ്പോൾ സൗകര്യമായി നെല്ലും അരിയും ഇറക്കാൻ പാടില്ലാത്തവിധത്തിലായിരിക്കുകയാണ്. യുദ്ധത്തിന്റെ ഗതി നമുക്ക് തടസ്സമായിവരുന്നതിനുമുമ്പുതന്നെ നാം ശ്രമിച്ചിരുന്നുവെങ്കിൽ തിരുവിതാംകൂറിനാവശ്യമുള്ള ഭക്ഷണസാധനങ്ങൾ ഇവിടെത്തന്നെ കൃഷിചെയ്യാനുള്ള ഭൂമി നമുക്ക് ഉണ്ടായിരുന്നു. ഒരുകാലത്തു് തിരുവിതാംകൂറിലെ ജനങ്ങളുടെ ആവശ്യത്തിനുള്ള നെല്ലും അരിയും ഇവിടെ വിളഞ്ഞിരുന്നു എന്നു മാത്രമല്ല ഇവിടെത്തെ ഉപയോഗം കഴിഞ്ഞതിനു ശേഷം ഏതാനും ശതമാനം അന്യദേശങ്ങളിലേയ്ക്കു് അയച്ചുകൊണ്ടിരുന്നു. ൧൧൦൪ മുതൽ ൧൧൧൦ വരെ യുള്ള തിരുവിതാംകൂറിലെ നെല്ല്, തെങ്ങ്, മരച്ചീനി മുതലായവ കൃഷി നടത്തിയിട്ടുള്ള സ്ഥലങ്ങളുടെ വിസ്തീർണ്ണതയെപ്പറ്റി നമുക്കു കിട്ടിയിട്ടുള്ള കണക്കു നോക്കിയാലും ഈ വസ്തുത തെളിയുന്നതാണ്. ൧൧൦൪-ൽ നൂന്നൂൺ ൨൭൭ ഏക്കർ സ്ഥലത്തു നെൽകൃഷി നടത്തിയിരുന്നു. അതു് ൧൧൧൪-ൽ നൂന്നൂൺ ൦ ഏക്കർ സ്ഥലമായി കുറഞ്ഞു. ൧൧൧൦-ൽ നൂൺ ൦൯൭ ഏക്കറായി വീണ്ടും കുറയുകയാണ് ചെയ്തതു്. തെങ്ങു കൃഷിയാണെങ്കിൽ ൧൧൦൪-ൽ ൨൨൩൩൦൦ ഏക്കർ സ്ഥലത്തു് കൃഷി നടത്തിയിരുന്നു. ൧൧൧൪-ൽ ൨൮൪൭൩൩ ഏക്കർ സ്ഥലം തെങ്ങുകൃഷി നടത്തിയിട്ടുണ്ടെന്നു കാണുന്നു. നെൽകൃഷിയെ അപേക്ഷിച്ച് തെങ്ങുകൃഷി അഭിവൃദ്ധിപ്പെട്ടിട്ടുണ്ടെന്നു ഈ കണക്കിൽനിന്നും മനസ്സിലാക്കാൻ കഴിയും. നെൽകൃഷി അധഃപതിച്ചിരിക്കുന്ന ഈ ഘട്ടത്തിൽ മരച്ചീനികൃഷിയുടെ പ്രാധാന്യത്തെപ്പറ്റി ഞാൻ ഇവിടെ പ്രത്യേകിച്ച് ഒന്നും പറയേണ്ടതായിട്ടില്ല. ൧൦൪-ൽ ൪൮൨൩൭ ഏക്കർ സ്ഥലത്തു് മരച്ചീനികൃഷി ചെയ്തുകയുണ്ടായി. ൧൧൧൪-ൽ അതു ൪൩൦൦൦-ൽ ചിലപാനം ഏക്കറായികുറഞ്ഞു. എന്നാൽ ൧൧൧൦-ൽ അതു് ൪൪൩൦൦-ൽ ചിലപാനം ഏക്കർ സ്ഥലത്തു മരച്ചീനികൃഷി നടത്തി. ൧൧൧൦-ൽ മരച്ചീനികൃഷി നടത്തിയ വിസ്തീർണ്ണം ൧൧൧൪ നെ അപേക്ഷിച്ച് അല്പം കൂടിയിട്ടുണ്ടെങ്കിലും ൧൦൪-ലെ അത്ര വന്നിട്ടില്ല. ഈ കണക്കുകളിൽനിന്നും നമ്മുടെ ഏറ്റവും അത്യാവശ്യമായ ഭക്ഷണസാധനങ്ങളെ സംബന്ധിച്ച് ഉള്ള നമ്മുടെ പരിശ്രമം തന്നെ അധഃപതിച്ചുപരികയാണെന്നു കാണാൻ കഴിയും. തിരുവിതാംകൂർ ഭട്ടക്കു കൃഷിചെയ്യുന്നതിനുപയുക്തമായി ൨൦,൨൩,൦൦൮ ഏക്കർ സ്ഥലമുണ്ടെന്നു കാണുന്നു. ഇതിൽ യഥാർത്ഥത്തിൽ കൃഷിചെയ്തിട്ടുള്ളതു്

൧൦൪-ൽ ൧൮൧൩൩൩൩൩ ഏകദേശം ൧൧൫-ൽ ൧൯൪൯൨൮
 ഏകദേശം സ്ഥലത്തുമാണെന്നു കാണാൻ കഴിയും. ൧൦൪-മാണ്ടത്തെ
 കണക്കുകൊണ്ടുതന്നെ ഏകദേശത്തിൽ ചിലപാനം ഏകദേശം സ്ഥലം കൃഷി
 ചെയ്യാതെത്തന്നെ ഇട്ടിരുന്നു എന്നു കാണാവുന്നതാണ്. ൧൧൫-ലെ
 കണക്കെടുത്തു നോക്കിയാലും ഇതിൽ വലിയ വ്യത്യാസമെന്നും കാണുക
 യില്ല. തിരുവിതാംകൂറിനെപ്പോലെ ഏറ്റവും ചെറിയ ഒരു രാജ്യത്തു്
 ഇതു ഏറെ സ്ഥലം ആളുകളുടെ അലസതകൊണ്ടുമാത്രം കൃഷിചെയ്യാതെ
 ഇടുകയും തന്നിമിത്തം ഇവിടെനിന്നും പലിടേക്കുണ്ടു ഉൽപ്പന്നങ്ങളുടെ
 വർദ്ധനയെ തടയുകയും ചെയ്യുന്നതു് അക്ഷന്തവ്യമായ ഒരുപരായം തന്നെ
 യാണ്. ഇവിടെയുള്ള ആളുകൾ കാലക്രമേണ കൃഷിയിൽ വിമുഖന്മാ
 രായി കേവലം അലസന്മാരായി കണ്ടെന്നതു് ഏതു് കൊണ്ടാണു്? എന്റെ
 അഭിപ്രായത്തിൽ ഇപ്പോഴത്തെ വിദ്യാഭ്യാസരീതി അതിനൊരു പ്രധാന
 കാരണമാണു്. സാമാന്യം ധനസ്ഥിതിയുള്ള ആളുകൾ അവരുടെ കുട്ടി
 കളെ ഏറ്റവും ക്ലേശവരെയും അല്ലെങ്കിൽ സ്കൂൾഫെനൽ ക്ലേശവരേ
 യെ പഠിപ്പിക്കുന്നു. വിദ്യാഭ്യാസം ചെയ്തു കഴിഞ്ഞു കഴിഞ്ഞു സർക്കാർ ഉദ്യോഗം
 കിട്ടണമെന്നുള്ള ദിവാസപത്നത്തൽ കഴിഞ്ഞുകൂടുന്നു. കുറെക്കാലം
 ഇങ്ങനെ കഴിഞ്ഞതിനുശേഷം ഒടുവിൽ സർക്കാർ ഉദ്യോഗം കിട്ടാതെ
 നിരാശാഗതത്തിൽ അവർ ആപതിക്കുന്നു. പഴയ തോതിൽ ഭൂമി
 യിൽ കൃഷിചെയ്തു ജീവിക്കണമെന്നുള്ള ആഗ്രഹമോ അതിനുള്ള വാസ
 നയോ അവർ ഉണ്ടാകുന്നില്ല. വിദ്യാലയജീവിതത്തിൽനിന്നു അവ
 കൾ ലഭിക്കുന്നമില്ല സർക്കാർ ഉദ്യോഗം കിട്ടാതെ കഴിഞ്ഞുകൂടുന്ന
 അഭ്യസ്തവിദ്യരുടെ നില വളരെ ശോചനീയതെന്നെയാണ്. ഈ രാജ്യ
 ത്തു് ആകെ ൨൫൦൦൦൦ ഉദ്യോഗമേ ഉള്ളൂ. കഴിഞ്ഞ സെൻസസ് അനു
 സരിച്ചു് നോക്കിയാൽ ൩൦൦൦൦൦൦-ൽ ചിലപാനം ജനങ്ങളാണു്
 ഇവിടെ ഉള്ളതെന്നു കാണാം. ഈ ആളുകൾ എല്ലാംകൂടി ഈ
 ൨൫൦൦൦൦ സർക്കാർ ഉദ്യോഗത്തെ മോചിച്ചിരുന്നാൽ എല്ലാവർക്കും സ
 ൾക്കാർ ഉദ്യോഗം കൊടുക്കുവാൻ ഒക്കുമോ? അതുകൊണ്ടു് നമ്മുടെ ജന
 ങ്ങളെ തങ്ങൾക്കു ഏറ്റവും സൗകര്യമെന്നു തോന്നുന്ന തരത്തിൽ കൃഷിക്കു
 സൗകര്യമുള്ള പന്മാവിലേക്കു് തിരിച്ചുവിടുന്നതിനുള്ള ഏതെങ്കിലും ഒരു
 പദ്ധതി കണ്ടുപിടിച്ച് ഇവിടെത്തെ കൃഷിയെ അഭിവൃദ്ധിയിൽ കൊണ്ടുവ
 രണമെന്നാണു് എനിക്കു ആദ്യമായി പറയുവാനുള്ളതു്. ഇന്നും കൃഷി
 ചെയ്തു നമ്മുടെ കാലയാപനം കഴിക്കുവാനുള്ള വഴി അടഞ്ഞുപോയ
 ില്ല. ചെറുപ്പക്കാർ, നല്ല ശരീരശക്തിയും മേധാശക്തിയുമുള്ള ചെറു

[Mr. K. Kunju Panicker.]

പുക്കാരെ, ആ വഴിക്ക് തിരിച്ചുവിട്ടാൽ മാത്രം മതിയാകുന്നതാണ്. ആ വഴിക്ക് തിരിയുന്നതാണ് ഏറ്റവും അഭിമാനകരമായ വഴി എന്ന് അവർക്കു തോന്നുകയും വേണം. അതിലേക്ക് പ്രായോഗികവും ഫലപ്രദവുമായ ഒരു നയം കൈക്കൊള്ളുകയും ഗവണ്മെന്റ് കൃഷി, കോവാപ്പറേറ്റീവ് ഈ ഡിപ്പാർട്ടുമെന്റുകളുടെ സഹായസഹകരണങ്ങളോടുകൂടി അത് നടപ്പിൽ വരുത്തുകയും ചെയ്യേണ്ടതാണ്. യുദ്ധപരിതാവസ്ഥ മൂലം ആവശ്യമുള്ള ആഹാരസാധനങ്ങൾ ലഭിക്കുന്നതിന് മാർഗ്ഗമില്ലാതിരിക്കുന്ന ഈ അവസരത്തിൽപ്പോലും ഉപകർത്തിൽ ചിലപാനം ഏകർണ്ണമലം നാം കൃഷിചെയ്യാതെ ഇട്ടിരിക്കുന്നു എന്നത് സങ്കടപൂർവ്വം ചിന്തിക്കേണ്ട ഒരു കാര്യമല്ലയോ. ഇതിനു ചില പ്രത്യേക കാരണങ്ങളുണ്ടായിരിക്കാം. ധനവാന്മാരായ ആളുകൾ അനേകം സ്ഥലങ്ങൾ പതിപ്പിച്ചെടുത്തിട്ടുണ്ട്. എന്നാൽ ആ സ്ഥലങ്ങളിൽ കൃഷി നടത്തുന്നതിനോ നടത്തിക്കുന്നതിനോ ഉള്ള സന്നദ്ധതയോ മനസ്സോ അവർക്കധികം പേക്കും കാണുന്നില്ല. അതുകൊണ്ട് അവരെക്കൊണ്ട്, കൃഷിചെയ്യിപ്പിക്കുകയോ അല്ലെങ്കിൽ കൃഷിചെയ്യാൻ സന്നദ്ധതയുള്ള ആളുകൾക്ക് കൃഷിചെയ്യാതെ ഇട്ടിരിക്കുന്ന സ്ഥലങ്ങൾ കൃഷിക്കു കൊടുക്കുകയോ ചെയ്യണം. അല്ലാതെ അറബിക്കഥമിലെ യാത്രക്കാരുടെ കഴുത്തിലിരുന്നുപ്രവേശിക്കുകയോ കിഴവനൈപാലിലെ ഇത്തരം ഭൂമി ഉടമസ്ഥന്മാർ കേറിയിരിക്കുന്നതുമൂലം കെല്ലം മനസ്സും ഉള്ളവർക്കുപോലും കൃഷിക്കു സ്ഥലം കിട്ടുവാൻ പാടില്ലാത്ത ഒരു നില വരുത്തിവയ്ക്കരുത്. പണമില്ലാത്തവരും എന്നാൽ അധ്വാനിക്കുവാൻ ശേഷിയുള്ളവരുമായ ആളുകൾക്ക് കൃഷിചെയ്യാനായി സ്ഥലം കൊടുക്കേണ്ടതാവശ്യമാണ്. കൃഷിചെയ്യാതെ തടഞ്ഞുവെച്ചുകൊണ്ടിരിക്കുന്ന ഇത്തരം സ്ഥലങ്ങളെ കൃഷിഡിപ്പാർട്ടുമെന്റുകാരെ അല്ലെല്ലാ ഗവണ്മെന്റ് കണ്ടുചിട്ടിച്ച് കൃഷിചെയ്യാൻ സന്നദ്ധതയുള്ള ആളുകൾക്ക് കൊടുപ്പിച്ച് കൃഷിയെ വർദ്ധിപ്പിക്കുവാൻ ശ്രമിക്കേണ്ടതാണ്. കൃഷിക്കുപയുക്തമായ സർക്കാർസ്ഥലവും കൃഷിക്കു കൊടുക്കണം. ചെറുപ്പക്കാരായ ഏഴാംക്ലാസ്സുകാരും, സ്ത്രീകൾക്കുവേണ്ടിയും എല്ലാം ഒരു തൊഴിലും ചെയ്യാതെ മുണ്ടും ഷർട്ടും ഇട്ട് കേവലം ശ്രംഗാരികളായി നടക്കുക മാത്രമാണ് ഇപ്പോൾ ചെയ്യുന്നത്. അങ്ങനെയുള്ള ചെറുപ്പക്കാരെ ശ്രദ്ധ കൃഷിയിലേക്കു തിരിച്ചുവിടണം. എങ്കിലേ നാം നന്നാകയുള്ളൂ. സകലവിധത്തിലും പ്രകൃതിയാൽ അനുഗ്രഹിക്കപ്പെട്ട ഒരു രാജ്യം, ഇൻഡ്യയിലെ പുകാവനം എന്ന് പറയുന്ന ഒരു നാട്, ഈ നാട്ടിൽ ആളുകൾക്ക് കൃഷിചെയ്യാൻ അഭിരുചിയില്ലെന്നുവന്നാൽ അതു

കഷ്ടമല്ലയോ? നമ്മുടെ കൊള്ളത്തായ്മ അല്ലെ അത് ഈ കാലത്തും യുദ്ധമുണ്ടായിരുന്നതിനുശേഷവും ശരിയായി കൃഷിചെയ്യാനുള്ള സൗകര്യമെല്ലാം ഉള്ള ഈ തിരുവിതാംകൂറിൽ കൃഷിചെയ്യാതെ കിടക്കുന്ന സ്ഥലങ്ങളിൽ കൃഷിനടത്തിയും ഉള്ള കൃഷിയെ അഭിവൃദ്ധിപ്പെടുത്തിയും ഇവിടത്തെ ഉൽപ്പന്നങ്ങളെ വർദ്ധിപ്പിക്കുന്നതിനായി നാം ഒരു ശ്രമിച്ചാൽ നമുക്ക് ഒട്ടും നിരാശകളാകുകയില്ല. നമ്മുടെ ബുദ്ധിയേയും ശേഷിയേയും നല്ലവഴിക്ക് തിരിച്ചുവിട്ടാൽ മാത്രം മതി. നമുക്ക് കൃഷിചെയ്യാൻ സ്ഥലമുണ്ട്. ശരീരശേഷിയുള്ള ചെറുപ്പക്കാർ ധാരാളമുണ്ട്. അനുകൂലമായ ശീതോഷ്ണാവസ്ഥ ഉണ്ട്. ഇവയെല്ലാം വേണ്ട വിധത്തിൽ ഉപയോഗിക്കണമെന്നു ഉള്ളൂ. അത്രയും ചെയ്താൽ മുമ്പു ചെയ്തതു പോലെ നമ്മുടെ ആവശ്യം നിറവേറിക്കഴിഞ്ഞിട്ട് മേലാലും അരിയും നെല്ലും കയറുമതി ചെയ്യാൻ കൂടി സാധിക്കും.

MR. PUTHUPPALLI S. KRISHNA PILLAI : ആളുകൾ ഇപ്പോൾ ജോലി ഒന്നും ചെയ്യാതെ നിൽക്കുന്നതിന്റെ കാരണമെന്താണ്?

MR. K. KUNJU PANICKER : കൃഷിചെയ്യുന്നത് വളരെ മോശമായ ഒരു തൊഴിലാണെന്ന് ഒരു ബോധം; കൃഷി ചെയ്താൽ ദേഹം വിരക്കും, വെയിലുകൊള്ളുക, ദേഹത്തു മണ്ണുപറിക്കുക ഇതൊക്കെ അത്ര പന്തിയല്ലാ എന്നുള്ള വിചാരം; ഇവയെല്ലാം കൊണ്ടാണ്.

MR. PUTHUPPALLI S. KRISHNA PILLAI : കൂടുതൽ ഉയന്ന പരീക്ഷ പാസായവർക്കല്ലേ ഈ അഭിപ്രായമുള്ളത്?

MR. K. KUNJU PANICKER : അവരുടെ സംഖ്യ വളരെ തുച്ഛമാണ്. കുറെക്കൂടി കൂടുതൽ ആദായകരമായ ജീവിതമാർഗ്ഗങ്ങളെ കണ്ടുപിടിക്കാൻ അങ്ങനെയുള്ളവർ കെൽപ്പുണ്ട്.

MR. PUTHUPPALLI S. KRISHNA PILLAI : ചെറുപ്പക്കാരുടെയിടയിൽ തൊഴിലില്ലാതെ ഇരിക്കുന്നത് മൂലധനമില്ലാഞ്ഞിട്ടാണ്; എന്ന് ഒരു ധാരണയുണ്ട്. അതു ശരിയാണോ?

MR. K. KUNJU PANICKER : ഭൂമിയും മൂലധനവും ഇല്ലാഞ്ഞിട്ടാണ് കൃഷി അഭിവൃദ്ധിപ്പെടാത്തത് എന്നല്ലാതെ പറയുന്നുണ്ട്. എന്നാൽ ഉള്ള മൂലധനത്തെയും ഉള്ള ഭൂമിയേയും ശരിയായി വിനിയോഗിക്കുന്നില്ലെന്നുള്ളതാണ് എന്റെ പരാതി.

MR. K. P. KOCHUKORA THARAKAN : പള്ളിക്കൂടത്തിൽ ഇവർക്ക് പ്രായോഗികപരിശീലനം കൊടുക്കുന്നില്ലെന്നുള്ളത് ഒരു കാരണമല്ലയോ?

MR. K. KUNJU PANICKER : അതേ.

MR. A. K. KUMARAN VAIDYAN : മി. ടി. കെ. വേലുപ്പിള്ള അമ്പല
 തിപ്പിച്ച പ്രമേയത്തെ ഞാൻ പിന്താങ്ങുന്നു. തിരുവിതാംകൂറിൽ ഒരു
 കൃഷിവിപ്ലവമെന്റുണ്ട്. ആ വിപ്ലവമെന്റിന്റെ ചില പ്ര
 വർത്തനങ്ങളെ സംബന്ധിച്ച് ഒരു ബോർഡ് രൂപീകരിക്കുകയും ചിലതെ
 ല്ലാം പ്രവർത്തിക്കുകയും ചെയ്യും. എന്നാൽ ഈ പ്രവർത്തികൾ വേണ്ട
 ഫലപ്രാപ്തിയിൽ വരാത്തതുകൊണ്ടാണ് ഇന്നത്തെ ഈ യുദ്ധപരിതഃ
 സ്ഥിതിയിൽ ആഹാരസാധനങ്ങൾക്ക് അർദ്ധഭയമുണ്ടായേയ്ക്കുമോ. എന്നു
 സംശയിക്കേണ്ടതല്ല ഒരു നില ഇവിടെ ഉണ്ടായത്. ഇപ്പോഴാണ് ഈ
 വിഷയത്തിൽ ഗവണ്മെന്റ് ശ്രദ്ധിച്ചുതുടങ്ങിയത്. എന്നാൽ ഏകദേശ
 ശാ ഇരുപതു കൊല്ലങ്ങളായി അഭ്യസ്തവിദ്യരും ചെറുപ്പക്കാരായ
 ആളുകൾ—ഞാനും ഇക്കൂട്ടത്തിലുൾപ്പെടുന്നതാണ്—കൃഷിസംബന്ധമാ
 യ കാര്യങ്ങളിൽ വളരെ അനുസ്മര്യപ്രദമായിട്ടുണ്ടായിരിക്കുകയാണ്.
 എന്റെ സ്റ്റേഡിന്റൻ മി. കണ്ണുപണിക്കർ പറഞ്ഞതുപോലെ ഏഴാം
 ക്ലാസ്സോ ഒൻപതാം ക്ലാസ്സോ പാസ്സായവർ പിന്നെയും കൃഷിക്കു പോകും.
 ഉയർന്ന വിദ്യാഭ്യാസമുള്ളവരാണ് കൃഷിയെപ്പറ്റി തീരെ ശ്രദ്ധിക്കാത്ത
 ത്. ഈ വിഷയത്തെപ്പറ്റി കൂടുതൽ പ്രായോഗികപരിജ്ഞാനം സി
 ലിച്ചിട്ടുള്ളവർ, അതായത് ഉന്നതവിദ്യാഭ്യാസം സിലിച്ചിട്ടുള്ളവർ, എ
 ന്തെങ്കിലും ചെയ്യാൽ അതു കൂടുതൽ ഫലപ്രദമായിത്തീരുന്നതാണ്.
 ധാരാളം ഭൂമി പതിപ്പിച്ചെടുത്തിട്ടുള്ളവർ ഭൂമികൾ തരിശായി ഇടരുതെ
 ന്ന ഗവണ്മെന്റ് വേണ്ട താക്കീതു ചെയ്യുന്നപക്ഷം ശരാക്കു കൃഷി നട
 ത്തുമെന്റുള്ളതിൽ സംശയമില്ല. വനങ്ങളിൽ ഉള്ള ചതുപ്പുനിലങ്ങൾ
 കത്തകപ്പാട്ടുമായോ മറ്റോ പതിച്ചുകൊടുത്ത് കൃഷിചെയ്യാതെത്താ
 ണ്. ഇങ്ങനെ ചനങ്ങൾ പതിച്ചുകൊടുക്കുന്നതു മഴക്കുറവിനു ബാധക
 മാകുകയില്ലെന്ന് ഒരു വിഷമപ്രശ്നം മുൻപുണ്ടായിട്ടുണ്ട്. ഇന്ന
 തെ നമ്മുടെ പണ്ഡിതനായ വനം കൺസർവേറ്റർ മഴയ്ക്കു ബാധക
 മാകുകയില്ലെന്നഭിപ്രായപ്പെടുന്ന സ്ഥലങ്ങൾമാത്രം പതിച്ചുകൊടുത്താൽ
 മതി. ഇന്നത്തെ യുദ്ധമുഖം കൊച്ചിയിൽനിന്നും മറ്റും അനവധി ആ
 ളുകൾ തിരുവിതാംകൂറിന്റെ വടക്കൻതാലൂക്കിൽ വന്ന് കുടിയേറിപ്പാക്കി
 ന്നാണ്. അവർക്കും ഇവിടെനിന്നുതന്നെ ആഹാരം ലഭിക്കേണ്ടേ? അ
 വർ യാതൊരു ആഹാരസാധനങ്ങളും കൊണ്ടുവരാത്തതുകൊണ്ട് ഈ
 പ്രദേശങ്ങളിൽ ക്ഷാമം കൂടിക്കൂടി വരുന്നു. അതുകൊണ്ടു ഇങ്ങനെ വ
 രുന്നവർക്ക് ഉള്ള ഭക്ഷണസാധനങ്ങൾ കൊച്ചി ഗവണ്മെന്റിന്റെ ചുമത
 ലയാൽ ഇവിടെ എത്തിക്കുവാൻ നമ്മുടെ ഗവണ്മെന്റ് വേണ്ട ഏർപ്പാ
 ടുകൾ ചെയ്തില്ലെങ്കിൽ കുടിയേറിപ്പാത്തവരുന്ന പ്രദേശങ്ങളിലെ ആളു

കൾ, അതായത് സാധുക്കൾ തീരെ പട്ടിണി കിടന്നു മരിച്ചുപോകുമോ എന്നുതന്നെ ഭയപ്പെടേണ്ടയിരിക്കുന്നു.

MR. PUTHUPPALLI S. KRISHNA PILLAI : അങ്ങനെ വരുന്നവർ അവിടെനിന്നും ഒന്നും കൊണ്ടുവരുന്നില്ലേ?

MR. A. K. KUMARAN VAIDYAN : ആരാരസാധനങ്ങൾ ഒന്നും കൊണ്ടുവരുന്നില്ല.

MR. KAINIKKARA M. PADMANABHA PILLAI : പണം കൊണ്ടുവരുന്നില്ലേ?

MR. A. K. KUMARAN VAIDYAN : പണം കൊണ്ടുവരുന്നില്ലായിരിക്കാം. പണം, അരി, കപ്പ, മുതലായത് ഒന്നും തന്നെ കൊണ്ടുവരുന്നില്ല. സർ, വടക്കൻതാലൂക്കുകളിലുള്ള ഓരോ പക്ഷതിയിലും എന്റെ അറിവു ശരിയാണെങ്കിൽ, ഏകദേശം ൨൦൦൦ ചേർ വീതം പറവൂരിലെ മിക്ക പക്ഷതികളിലും കുടിയേറിപ്പാർക്കുന്നുണ്ട്. (ഒന്നരണ്ട് പക്ഷതികളിലെ സ്ഥിതി എനിക്കു നേർട്ടറിവുള്ളതാണ്). അവിടെ 'കപ്പുകൃഷി കൂടി ഇല്ലായിരുന്നുവെങ്കിൽ അവിടെയുള്ളവർക്കുപോലും പട്ടിണി വരുമായിരുന്നു. സാധുക്കളുടെ കാര്യത്തിൽ ബഹുമാനപ്പെട്ട ഗവണ്മെൻറ് ഇതിനുമുമ്പ് വേണ്ട വിധത്തിൽ ശ്രദ്ധിച്ചിരുന്നില്ലെന്നാണ് എന്റെ വിശ്വാസം. എന്നാൽ ഇപ്പോൾ ജനങ്ങളുടെ ആരാരകാര്യത്തിൽ ഗവണ്മെൻറ് ശ്രദ്ധിക്കുന്നുണ്ട്. മുമ്പ് ഒരു മഹാരാജാവ് ഇവിടെ മരച്ചീനി കൃഷി നടപ്പിലാക്കിയതുപോലെ ഇവിടത്തെ ആവശ്യങ്ങൾ നിറവേറാത്തതുകൊണ്ട് മറ്റൊരങ്ങനിലും പുതിയ ഒരു കൃഷി കണ്ടുപിടിക്കണമെന്നാണ് എനിക്കു പറയാനുള്ളത്. അത് കഴിയുന്നവേഗം വേണ്ടതാണെന്നാണ് എനിക്കു പറയാനുള്ളത്. ഇവിടെ ഉണ്ടാകുന്ന ആരാരസാധനങ്ങൾ കൊച്ചി മുതലായ സ്ഥലങ്ങളിലേയ്ക്കു കയറ്റി അയയ്ക്കുന്നതുകൊണ്ടും ഇവിടെ ക്ഷാമം ഉണ്ടാകുന്നുണ്ട്. വടക്കൻതാലൂക്കുകളിൽ ഉണ്ടാകുന്ന നെല്ലൊഴിച്ചുള്ള സർവ്വ ഭക്ഷണസാധനങ്ങളും കൊച്ചിയിലേയ്ക്കു പ്രയാണം ചെയ്യുകൊണ്ടുപോകുകയാണ്. ദിവസം പത്തും ഇരുതരം വള്ളങ്ങൾ വീതം കിഴക്കും മറ്റും സാധനങ്ങളുമായി പൊയ്ക്കൊണ്ടിരിക്കുന്നു. ഇതിന്റെ ദുഷ്ടാന്തം വരാപ്പുഴ, ചാത്തനാട്, ഇളന്നിക്കര, പറവൂർ, തോട്ടമുഖം ഈ ചവുക്കുകളിൽ കുറച്ചു സമയം ഒരാൾ നോക്കിനിന്നാൽ കാണാവുന്നതാണ്.

MR. KOTTALIL P. ABRAHAM : കൊച്ചിയിൽനിന്നും തിരുവിതാംകൂറിലേയ്ക്കു നെല്ലുവരുന്നണ്ടോ?

MR. A. K. KUMARAN VAIDYAN : ആ ഭാഗത്തു് നെൽകൃഷി അധികമില്ല. അതുകൊണ്ട് വരുന്നില്ല. തുറമുഖത്തു് ഇറക്കുന്ന അരി കൊണ്ടു

[Mr A. K. Kumaran Vaidyan]

വരുന്നുണ്ട്. അത്ര ആവശ്യത്തിന് കിട്ടുന്നില്ല. തുറമുഖം നമുക്ക് ഉള്ളതല്ല.

MR. KAINIKKARA M. PADMANABHA PILLAI : കൊച്ചി നിയമസഭയിൽ അവിടത്തെ ആഹാരസാധനങ്ങളെല്ലാം തിരുവിതാംകൂറിലേയ്ക്കു പോകുന്നു എന്നു ഒരു വാദമുണ്ടായതായി കേട്ടിട്ടുണ്ടോ?

MR. A. K. KUMARAN VAIDYAN : എന്ന് കേട്ടു. കൊച്ചിയിൽ ഇന്ന് ഓരോരുത്തനും ഇത്ര ചാക്ക് അരിചീതമേ തിരുവിതാംകൂറുകാർക്ക് കൊടുക്കുകയുള്ളൂ എന്നു നിർബന്ധം വച്ചിട്ടുണ്ട്. അതുപോലെതന്നെ മുണ്ണണ്ണയും പിന്നെ ഇവിടെയുള്ള സാധനങ്ങൾ എന്തിന് കൊച്ചിക്കാർക്ക് കൊടുക്കുന്നു. അതുകൊണ്ട് മരച്ചീനി, മധുരക്കിഴങ്ങ് മുതലായത് കഴിയുന്നതും കൊച്ചിയിലേയ്ക്കു കടത്തുന്നതിനെ തടയേണ്ടതാണ്. അതിനെ വേഗം തടഞ്ഞു ഒരു ഉത്തരവുണ്ടാകണമെന്ന് അപേക്ഷിക്കുന്നു.

തിരുവിതാംകൂറിലെ കൃഷിയും വ്യവസായവും ഉത്തരോത്തരം അഭിവൃദ്ധിപ്പെട്ടുകാണുവാൻ നിർമ്മാണം ആഗ്രഹിക്കുകയും അതിനുവേണ്ടി പ്രയത്നിക്കുകയും ചെയ്തുകൊണ്ടിരിക്കുന്ന സചിവോത്തമന്റെ ഭീർഘദൃഷ്ടി തിരുവിതാംകൂറിന്റെ ഭാരിദൃഢത്തെ എന്നെന്നേയ്ക്കുമായി ഇല്ലാത്ത ചെയ്യാൻ പര്യാപ്തമാവട്ടെ എന്നുള്ള പ്രാർത്ഥനയോടുകൂടി ഈ പ്രമേയത്തെ പിൻതാങ്ങുന്നു.

MR. T. C. KESAVA PILLAI (Kalliantham enna Viluvankod) : സർ, ഞാൻ ഈ പ്രമേയത്തെ ബലമായി പിൻതാങ്ങുന്നു. സർവ്വപ്രധാനമായ ഈ വിഷയത്തെ സംബന്ധിച്ച് ചിന്തിക്കേണ്ട അത്യാവശ്യം ഈ അവസരത്തിൽ ഗവണ്മെന്റ് നുണ്ടു. ജനപക്ഷത്തുനിന്നും ആ ചുമതലയുണ്ടെന്നു ഞാൻ സമ്മതിക്കുന്നു. എന്നാൽ ഈ വിഷയം ഇവിടെ വാദപ്രതിവാദത്തിന് എടുക്കുവാൻ ഇടയായതോടുകൂടി ഇവിടത്തെ അനുഭോഗസ്ഥമെമ്പാറനും ശക്തംകൂടി കറഞ്ഞുവരുന്നതുകൊണ്ടുവേണ്ടി അതുപോലും ഉണ്ട്. ഇന്നത്തെ യുദ്ധപരിതഃസ്ഥിതി ഏറ്റവും ഭീർഘമായ ഒരു ഘട്ടത്തിലേയ്ക്കു വലിച്ചിഴയ്ക്കുമെന്നു വിചാരിക്കേണ്ടതുകൊണ്ടിവിടെ ആയാശ്ചര്യം ഉണ്ടു. ഈ നിലയിൽ ഉദ്യോഗസ്ഥന്മാർക്ക് കറൻസിനോടുകൂടും വച്ചുകൊണ്ട് വെറുതേ ഇരിക്കുവാനേ ഒക്കുകയുള്ളൂ എന്നും വരുന്നതാണ്. അവർക്ക് ആഹാര സാധനങ്ങൾ പോലും കിട്ടാതെ വന്നേക്കാം. ഇപ്രകാരം അനിശ്ചിതവും ഭയങ്കരവുമായ ഒരു ഭാവിയെ കണ്ടിട്ടാണ് സഭസ്യന്തിലകൻ ശ്രീമാൻ ടി. കെ. വേലുപ്പിള്ള അവർകൾ ഇത്തരത്തിൽ ഗൗരവതരമായ ഒരു പ്രമേയം ഇവിടെ അവതരിപ്പിച്ചതെന്നു ഞാൻ വിചാരിക്കുന്നു. നമ്മുടെ

ആവശ്യങ്ങൾക്കു തീർത്ഥാടകന്മാരുള്ള അതി ഈ നാട്ടിലുണ്ടാക
 ന്നൊന്നുണ്ടെങ്കിൽ ഇപ്പോഴുള്ളതിനേക്കാൾ ആരും ഏകദേശ സ്ഥലം
 കൂടി നെൽകൃഷിക്ക് ഉണ്ടായിരുന്നാലോ കൈകയ്ക്കൂ എന്നു കാണുന്നു.
 വിദഗ്ദ്ധന്മാരായ ആളുകളുടെ ഉപദേശത്തോടുകൂടി ശാസ്ത്രീയമായ വളം
 ഉപയോഗിച്ച് കൃഷിയെയും ഒരുപുറമെ ഇരുപുറത്തു കൃഷിയും ഇവിട
 തെ ഉല്പന്നത്തെ വർദ്ധിപ്പിക്കേണ്ടതുമാകുന്നു. ഈ വിഷയത്തെ സം
 ബന്ധിച്ചതന്നെ ഒരു അഭിപ്രായപ്രമേയം ഇവിടെ അവതരിപ്പിക്കുന്നു
 ണ്ട്. മിക്കവാറും വിഷയം ഒന്നുതന്നെ. ഈ പ്രമേയത്തിൽ ഒരു കമ്മി
 റ്റിയുടെ കാര്യംകൂടി പറഞ്ഞിട്ടുണ്ടെന്നുവെച്ചു. ഇനിയും കൃഷിയെത്ത
 ക്ക അനുകൂല ഏകദേശ സ്ഥലം തിരുവിതാംകൂറിൽ ഉണ്ടു്. റിസർവ്വ
 ന്നത്തിൽ ഉപയോഗപ്രദമായി കിടക്കുന്ന സ്ഥലങ്ങൾ ഇതിലേക്കു പതി
 പ്പുകൊടുക്കണം. നല്ല വളം ചെർത്തു വിളവു വർദ്ധിപ്പിക്കണം. മര
 ച്ചീനിയെക്കൂടി പ്രോത്സാഹിപ്പിക്കേണ്ടതാണ്. ഇപ്പോൾ വിദേശ
 ശാസ്ത്രജ്ഞന്മാർ ഇവിടെ നിന്നും മരച്ചീനിപ്പോടി ധാരാളമായി കയറി
 അയയ്ക്കുന്നുണ്ട്. അതിനെ വേണ്ടി വന്നാൽ നിയന്ത്രിക്കേണ്ടതല്ലയോ
 എന്നു ഗവണ്മെന്റു ചിന്തിക്കേണ്ടതാണ്. ഇവിടെ ധാരാളമായുണ്ടാക
 ന്ന വറുൽകുളി മുതലായ സാധനങ്ങൾ കയ്ക്കട്ടാ മുതലായ സ്ഥലങ്ങ
 ലിൽനിന്നും ഇവിടെ ഇറക്കുന്നതു് വാസ്തുവത്തിൽ സങ്കടകരമാകുന്നു.
 മി. കത്തപ്പുണിക്കർ പറഞ്ഞതുപോലെ ഇക്കാര്യത്തിൽ നമ്മുടെ ജന
 ങ്ങൾക്ക് വളരെ അലസതയാണുള്ളതു്. നമ്മുടെ ആവശ്യവും ഉപയോഗ
 വുമുള്ള എല്ലാ സാധനങ്ങളും ഇവിടെത്തന്നെ കൃഷിയെക്കൂടിയാണെന്നുള്ള
 ത്തിൽ പക്ഷാന്തരത്തിനു വകയില്ല. ഇതിലേക്കു നിയുക്തരായിട്ടുള്ള ഗവ
 ങ്മെന്റുജ്യോഗസ്ഥലം വിദഗ്ദ്ധന്മാരും കൃഷി അഭിവൃദ്ധിയ്ക്കുവേണ്ടി
 ശ്രമിക്കുന്നുണ്ടെന്നുള്ളതു് പരമാർത്ഥമാണ്. എന്നാൽ ഇന്നു കൃഷിക്കു
 പല പ്രകാരത്തിൽ അവശതകളുണ്ടു്. കൃഷിയെത്തന്നെ സ്ഥലമാണ്
 പ്രധാനമായി ഉണ്ടാകേണ്ടതു്. കൺസർവ്വേറ്ററുടെയും റവന്യൂ അധികാ
 രികളുടെയും നിയന്ത്രണത്തിൽ പെടാതെ കുറെ സ്ഥലങ്ങൾ തിരുവിതാംകൂ
 റിലുണ്ടു്. നെച്ചാറ്റിൻകരതാലൂക്കിൽ കുന്നിപ്പുറം എന്ന ഒരു സ്ഥല
 ത്തു് ഏകദേശം ഇരുപതിനായിരം ഏക്കർ സ്ഥലം ഇത്തരത്തിൽ കിട
 പ്പുണ്ടു്. ഇത്തരം സ്ഥലങ്ങളിൽ മരച്ചീനി നടന്നോ അല്ലെങ്കിൽ അതു
 പോലെയുള്ള ഏതെങ്കിലും കൃഷികൾ ചെയ്യാനോ അനുവദിക്കുന്നതു
 കൊണ്ടു് എത്ര തരക്കേടാണുള്ളതു്. എത്രയോ ആളുകളുടെ ഉപജീ
 വനം അതു കൊണ്ടു് കഴിയും. അതുപോലെ പേച്ചിപ്പുറം അണയ്ക്കു്

[Mr. T. C. Kesava Pillai]

സമീപം വലിയ ഏലാ എന്ന സ്ഥലത്തു ൩൦൦, ൦൦൦ ഏക്കർ സ്ഥലം നിലമായി കിട്ടിയിട്ടുണ്ട്. ഇപ്പോൾ അതു കരിനിലമായി കിടക്കുകയാണ്. നല്ല വളമുപയോഗിച്ച് അവിടെ കൃഷിചെയ്യുന്നപക്ഷം കൂടുതൽ വിളവുണ്ടാക്കുവാൻ കഴിയും. ഇങ്ങനെയുള്ള സ്ഥലങ്ങളിൽ കൃഷിചെയ്യുന്നതിനെ തടയാതിരുന്നാൽ മാത്രം മതി. എന്നാൽ അതുകൊണ്ട് ഗവണ്മെന്റിനോ ഗവണ്മെന്റുദ്യോഗസ്ഥന്മാക്കോ യാതൊരു ഉപദ്രവവുമുണ്ടാകാതെ സൂക്ഷിക്കേണ്ടതുമാണ്. വലിയ ഏലപ്പടക്കം ഒരു പത്തൊമ്പതാം പൊട്ടിയായി ഇന്നത്തെ നിലയെല്ലാം പോകും. അപ്പോൾ ഉദ്യോഗസ്ഥന്മാർക്കുപോലും അരി കിട്ടുകയില്ല. അതുകൊണ്ട് കാലേക്കൂട്ടി ഈ രാജ്യത്തു ശേഖരിച്ചവയ്ക്കു പ്പെട്ടിട്ടുള്ള നെല്ലും അരിയും ഗവണ്മെന്റു നിയന്ത്രണത്തിൽ ഏറ്റെടുത്ത് സൂക്ഷിച്ചില്ലെങ്കിൽ വലിയ അബദ്ധമുണ്ടാകുമെന്നാണ് എനിക്കു തോന്നുന്നത്. ഈ അവസരത്തിൽ വ്യാവസായികമായി ചിലവു നിയന്ത്രിക്കേണ്ടതിനെപ്പറ്റിയും ഒരു വാക്ക് എനിക്കു പറയാനുണ്ട്. ശീലക്കുടയുടെ കാര്യംതന്നെ എടുക്കാം ൩൦ ലക്ഷം ജനങ്ങൾ ഈ രാജ്യത്തുണ്ട്. പത്തുപേർ ഒരു കുട വെച്ചുനോക്കിയാലും ൩ ലക്ഷം കുട ഇവിടെ ആവശ്യമുണ്ട്. ഇന്നു ഒരു കുടയ്ക്കു നാലുമുതൽ അഞ്ചു രൂപാവരെ വിലയുണ്ട്. ഈ കണക്കിന് കുറഞ്ഞതുപോലും ലക്ഷം രൂപാ ശീലക്കുടയ്ക്കുവേണ്ടി നമ്മൾ ചിലവാക്കുന്നുണ്ടെന്നു കാണാം. പഴയമാതിരി ഓലക്കുട ഉപയോഗിക്കുന്നതായാൽ ഈ ചിലവു ലാഭിക്കാൻ കഴിയും. അതുകൊണ്ട് കുടപ്പനകളൊന്നും വെട്ടിക്കളയാതെ കൺസർവേറ്റർ സൂക്ഷിക്കുകയും വ്യവസായഡയറക്ടറുടെ സഹായത്തോടുകൂടി ഓലക്കുടവ്യവസായത്തെ പ്രോത്സാഹിപ്പിക്കുകയും ചെയ്യേണ്ടതാണ്. മറ്റൊന്നു ഇവിടെ ഒരു കടലാസ് വ്യവസായമാണ്. പനലൂർ പേപ്പർ മില്ലിൽ ധാരാളം കടലാസ് ഉണ്ടാക്കുന്നുണ്ട്. ഗവണ്മെന്റ് മില്ലിനുവേണ്ടി പല സൗജന്യങ്ങളും ചെയ്തു കൊടുത്തിട്ടുണ്ട്. എന്നാൽ അവിടെ ഉണ്ടാക്കുന്ന കടലാസിൽ ഏറിയപങ്കു അന്യസ്ഥലങ്ങളിലേയ്ക്കു അയക്കപ്പെടുന്നു. തിരുവതാംകൂറിലെ ആവശ്യം കഴിഞ്ഞു അധികംവരുന്ന കടലാസല്ലാതെ അന്യരാജ്യങ്ങളിൽ അയയ്ക്കാൻ പാടില്ല. ഇവിടേതേക്കു ആവശ്യമുള്ള മൊട്ടുസൂപിക്ക് വിലകൊടുക്കേണ്ടിവന്നു എന്നുള്ളതു് ഒരു വലിയ അപരാധമല്ല. എന്തുകൊണ്ടെന്നാൽ ഇവിടെ മൊട്ടുസൂപി വ്യവസായത്തിനുള്ള സാധ്യതകളൊന്നുമില്ല. എന്നാൽ തിരുവതാംകൂറിൽ ഉണ്ടാക്കുന്നതിനു സൗകര്യമുള്ള കടലാസ് അന്യസ്ഥല

അക്കയച്ചിട്ട് നാം വില കൊടുത്തു അന്യസ്ഥലങ്ങളിൽനിന്നും വാങ്ങി കേണ്ടിയിരിക്കുന്നു. ഇത് വളരെ കഷ്ടമാണ്. അതുപോലെ തീപ്പെട്ടിമുതലായ വ്യവസായങ്ങളും നടപ്പിൽ വരുത്തുവാൻ കഴിയും. പക്ഷെ അതു യുദ്ധംകഴിഞ്ഞിട്ടു മതി. മി. എച്ച്. പരമേശ്വരൻറെ ഒരു പ്രസംഗത്തിൽ ഇപ്പോൾ ആതനവ്യവസായത്തെപ്പറ്റി ആലോചിക്കുന്നത് അബദ്ധമാണെന്നു പറയുകയുണ്ടായി. എന്തെന്നാൽ യുദ്ധം കഴിയുമ്പോൾ ഇന്നത്തെ പരിതസ്ഥിതിയെല്ലാം മാറും. ഇന്ന് നിലവിലിരിക്കുന്ന വ്യവസായങ്ങളെ പ്രോത്സാഹിപ്പിക്കുന്നതിൽ യാതൊരു അബദ്ധവും വരുവാനില്ല. ഈവക കാരണങ്ങളെക്കുറിച്ച് ചിന്തിച്ച് ഏറ്റവും വ്യവസ്ഥാപിതമായ രീതിയിൽ പ്രവൃത്തിമാർഗ്ഗം കണ്ടുപിടിക്കുന്നതിലേക്കായി ഒരു കമ്മറ്റിയെ രൂപീകരിക്കണമെന്നുള്ളതാണ് പ്രമേയത്തിൽ ആവശ്യപ്പെട്ടിരിക്കുന്നത്. ഈ പ്രമേയം നടപ്പിൽ കൊണ്ടുവരുവാൻ ഗവണ്മെൻറ് മടിക്കുകയില്ലെന്നു ഞാൻ വിശ്വസിക്കുന്നു.

MR. KOTTALIL P. ABRAHAM: Sir, the subject underlying this resolution has been brought effectively to the notice of this House and the Government by several means. Yesterday, rather the last day of our sitting, during interpellation time, questions were asked on the same subject and an elaborate answer was given by the Government. We have also tabled some resolutions on the same subject. And within half an hour we will have to consider an adjournment motion relating to the question of supplying adequate food stuff. So in one form or another we are being invited often to discuss the same subject; and we are glad to note that the Government are quite alive to the seriousness of the problem.

The name given to the resolution is 'post-war reconstruction'. Although the mover adverted to measures which are to attract our attention after the close of the war, I heard him elaborately detailing also the necessity of looking into the living present. Whether during the war or after the war, the matters which require our real and anxious attention are the same, viz., the means to live and to let live.

Some measures have been suggested by the honourable mover and the other honourable members who spoke after him. The most important of the measures so suggested is the improvement of agriculture. Indeed it is the right thing. A resolution which we passed over just now, owing to the casual absence of the mover from his place, related to the assignment on kuthagapattom of lands within the reserve for the cultivation of food stuff. It reads as follows:—

This Assembly recommends to Government that in view of the present war situation the unassigned tharishu lands and open parts of reserved forests be given on Kuthagapattom to agriculturists of Travancore for cultivation of food materials till war ends and food materials become largely available.

[Mr. Kottalil P. Abraham.]

That resolution therefore intended to stress the need for extensive methods of cultivation. The resolution, if moved, would have had my whole-hearted support, I am now using it to support the present resolution before the house. Yesterday at the time of the supplementary demands the Director of Agriculture asked for a grant which would help intensive cultivation, that is, by the provision of manure. With regard to extensive cultivation it may be said that further areas in large scale blocks fit for cultivation are not available in the State. But some lands which are not under cultivation are kept fallow because of certain specified inconveniences only. For instance, the arable areas inside the reserved forests are declared as forbidden tracts for cultivation because any interference with them would give scope for damaging the conservation of forests. All the same, until the war is over, even at the risk of some little inconveniences, we have to meet the elementary need of food by the cultivation of paddy by making available for the purpose every square inch of land in our country. I may in this connection request the conservator of forests to see that some provision is made for enabling the ryots who live near reserve forests to make use of green manure from such forests. By green manure, I mean only leaves that fall down and other leaves good for manure. It may be said in objection that permission to enter forests for the sake of gathering green manure may create further trouble, *viz.*, the unauthorised removal of the branches and the stems also of trees. My answer is that as we have already got an over-whelming number of Forest Guards to safeguard the forests, it is up to them to see that only green manure is removed from the forests and that in reasonable quantity without any sort of annoyance to the conservation of forests.

The latter part of the resolution refers to the desirability of appointing a Committee of 12, the majority of whom shall be members of the Legislature, to carry out the purpose of the resolution. My humble opinion is that a new committee may not be necessary.

We have got what is called "the Economic Development Board" to which we had to elect some members just an hour ago. The Board has been reconstituted recently so as to enable its working with greater effect and practicability. The same board may as well attend to these matters; and if these matters are entrusted with them, we can expect from them very fruitful results. Therefore my submission is that no new or special committee is called for at this stage. With these words I have great pleasure in accepting this resolution.

MR. KAINIKKARA M. PADMANABHA PILLAI: Sir, I move that the question be now put.

MR. A. GOPALA MENON: Sir, the seriousness of the problem confronting us today cannot be denied. It is not therefore the intention of Government to plead the comprehensiveness of the proposal or the complexity of the problem as an excuse to shelve the question. On the other hand, as was suggested by my honourable friend Mr. Abraham the Government have recently reconstituted the Economic Development Board on the very same lines as

have been proposed by the Honourable mover of this resolution. That Board as reconstituted will consist of 5 official members and 10 non-officials elected from both the Houses of the Legislature. With such a body at work it should be possible for Government to obtain the necessary information and plans of action for the amelioration of the distress amidst which we are now placed. This new body has a new constitution no doubt, but it is an old institution. Among the various problems which the Economic Development Board has had the opportunity to discuss in recent years, we find most of the remedies, to which the mover and the supporters of the resolution have called the attention of the house. The question of financial support to agriculture including the relief of agricultural indebtedness has received consideration at the hands of Government. They have been noted and commented upon by the Economic Development Board on former occasions. The possibility of opening out new lands, whether poramboke or forest lands, chathuppu lands as they call it—for new cultivation—that too has been enquired into, and the Board has got ready-made proposals for instant action. Similarly the question of grazing lands for cattle—that also has received the attention of the Board, and proposals have been placed before Government. Irrigation problems and other aspects of extensive as well as intensive cultivation—all these have been engaging the attention of the Board, so much so that when the Board now starts work, as soon as it begins its deliberations, it would be possible for the Board to plan a scheme for immediate action and application, with the co-operation of Government and the public and with the resources at their command. In that view, I feel that there is no need for any new committee to be set up to study these questions, as we have already got concrete proposals and sufficient information to proceed upon for the time being. I am saying all this in view of the immediate necessity confronting us and in view also of the urgency of the problem to avoid further enquiries and discussions and the consequent delay.

Reference was made in this connexion to the educational policy and the neglect of the study of agriculture. Government have not been slow to take note of the imperative necessity to encourage agriculture and to give the students in schools and colleges an idea as to the importance of the subject, and to provide wherever possible facilities for practical training. Orders have been recently issued both to the Education Department and the University to introduce agriculture as a subject of study in high school classes, and proposals are being considered by the Education Department to make the practical study of agriculture and its possibilities a topic of instruction in both the middle and high schools of the State. I beg to submit therefore that consistent with the scheme of economic regeneration and industrial reorganisation which the Head of the Administration has never been tired of dinning into the ears of Travancoreans for the last six years, a series of measures has been put into operation, and policies adumbrated, with a view to long time results, which have only to be hastened and brought into immediate operation to afford relief to the distressed population. As the house is fully aware, a very consistent policy has been pursued

[Mr. A. Gopala Menon.]

vigorously. If this administration is noted for great achievements, and they are very many, the greatest of them all would be the work it has already done to lay the foundation for a permanent economic regeneration of this country. To enumerate all those measures will take up much time. But we may derive great satisfaction that with the financing of agriculture and industry, with the reorganisation of co-operation and co-operative societies, with the urge for cottage industries, with the experimentation in large scale factories, with a programme for the development of irrigation and the introduction of the double crop on single crop lands all of which form a piece with one another, with the introduction of agriculture as a subject of study in schools and the reorganisation of the Economic Development Board measures which in the view of Government are absolutely essential to general purpose, nothing has been neglected. This House will be the first to recognise, approve and appreciate, what steps Government have taken in this direction. Relief of distress above all has received the most prominent attention as was explained at the time of the last Budget. It has been very happily referred to that all the departmental heads are now most willing to co-operate and are alive to the economic needs of the country, and that they have been harnessed to a common aim and purpose and that with that purpose in view, the new Board has been reduced in bulk, made more effective, more energetic and more alert. Thus, I may assure the House that there will be a genuine, systematic and sympathetic effort in the direction of promulgating and operating varied and necessary measures for the amelioration of the immediate difficulties with which we are now confronted.

SADASYATILAKA T. K. VELU PILLAI: Sir, I am very happy in congratulating the Government on their various efforts towards the amelioration of distress and they have been given expression to by the member in charge of the subject. At the time I gave notice of this resolution there was no doubt the idea of improvement of the Economic Development Board. It was only the day before yesterday that announcement was made namely that election to it will be held today. I was asked by some members on this side of the House whether we want a separate committee in the light of the fact that there would come into being a newly reconstituted Economic Development Board. I do not propose to take much time of the House and there is not much time either for stressing the importance of the problem. I am glad that my desires have fructified now. I am glad that the present Government has recognised the necessity of ushering into existence such a Board. I am glad to say that a gentleman who is competent by training, temperament, knowledge and generosity to function is the presiding officer of that Board. Although I am not in order to refer about the other personnel of the Board at this stage, I see who the members are and I have reason to think that the members elected are quite good. Therefore I am particularly happy to recognise that the

ideas entertained by me 20 years ago have taken practical shape in this present administration. With these words I seek permission to withdraw the resolution.

The resolution was by leave of the House withdrawn.

Lands reserved for grazing purposes.

MR. K. P. KOCHUKORA THARAKAN : This Assembly recommends to Government that lands reserved for grazing purposes in Travancore be transferred from the jurisdiction of the Revenue Department to that of the Agricultural Department.

സർ, ഗ്രാസ്സ് ലാൻഡുകളെ റവന്യൂ ഡിപ്പാർട്ടുമെന്റിന്റെ അധികാരത്തിൽ നിന്നും അഗ്രികൾച്ചറൽ ഡിപ്പാർട്ടുമെന്റിന്റെ ചുമതലയിൽ മാറ്റാമെന്ന് പറയുന്നതിന്റെ പ്രധാന ഉദ്ദേശം ഇവ, റവന്യൂ ഡിപ്പാർട്ടുമെന്റിന്റെ കൈയശമിരിക്കുന്നത് പറയന്റെ കയ്യിൽ പശുവിനെ ഏർപ്പെിക്കുന്നതുപോലെ ആണെന്നുള്ളതു കൊണ്ടാണ്.

MR. T. C. KESAVA PILLAI : ഈ പട്ടയൊപ്പ് ഇനി പറയാൻ പാടില്ല. അതു ഒരു ജാതിയെ സ്പർശിച്ച് പറഞ്ഞതാണ്. പശുവിനെ സൂക്ഷിക്കുന്നത് പറയാൻ മാത്രമേയുള്ളൂ. അത് പിൻവലിക്കണമെന്ന് ഞാൻ അഭിപ്രായപ്പെടുന്നു.

MR. K. P. KOCHUKORA THARAKAN : അതു ഒരു പട്ടയൊപ്പാണ്. അതുകൊണ്ട് പറഞ്ഞു എന്നു മാത്രമേയുള്ളൂ.

അങ്ങനെയു ഏകദേശ സ്ഥലങ്ങളെ ഇരുപതും മുപ്പതും ഏക്കർ ഉള്ള ബ്ലാക്കുകളായി തിരിച്ച് കൊടുക്കുന്ന പതിവ്

DEPUTY PRESIDENT : Order, order. The House will now discuss the adjournment motion posted for the day.

ADJOURNMENT MOTION.

Re: measures for increasing the production of paddy and other food stuffs in the State.

MR. G. VELU PILLAI : Sir, "I beg leave to move for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely the necessity for adopting immediate measures for increasing the production of paddy and other food stuffs in the State in view of the fact that the supply of rice from Burma and Siam has been cut off on account of the war situation, and the consequent starvation that may visit the people of the State."

It is now just a year since an adjournment motion was moved in this House by Mr. Dominic Joseph to impress upon the Government the necessity for adopting a five year plan to make Travancore self-sufficient in the matter of rice. That adjournment motion was fully

[Mr. G. Velu Pillai]

discussed in this House. But I do not think Government have done all that is possible in that direction till now. Since then much water has flowed under the bridge. Then Japan had not declared war upon Britain or America. Singapore was then considered by all as an unassailable naval base. Indo-China and Siam were apparently on amicable terms with Britain. Hundreds of Travancoreans were following their peaceful avocations in Burma, Singapore and Malay States and we here in Travancore were getting the supply of rice we wanted from Burma and other places although there were, some shipping difficulties. But all that position is now changed and we cannot get any more supply of rice from outside at least for the present. Nobody expected such a contingency to arise in such a short time.

Thus my adjournment motion is based upon a most non-controversial and very urgent topic and I am sure the Government and the members of this House are fully alive to the seriousness of the situation. Most of the points which I wished to stress upon, were dealt at length, better and more ably by the honourable member Mr. T. K. Velu Pillai, this morning when he moved his resolution about post-war reconstruction. So I will confine myself to a very few points.

It is worth noting in this connection that the chief apology which the Germans offer for the present war is that they want more living space. That is, they want more food for themselves. Today, as in primitive days, the quest for food is the chief motive force for conquests and war. The prosperity of a people and their right for continued existence depends upon their ability to provide adequate food for the individual. Hitherto actually we in Travancore had not any occasion to consider this situation seriously because we could import whatever quantity of rice we wanted from Burma and other places. But now as conditions have changed it is time for us to take a bird's-eye-view of our position with regard to food supplies.

Rice is the staple food for about half the population of the world and it is the staple food for the people of Travancore also. According to the latest statistics, paddy is cultivated on an area of about six and a half lakhs of acres in Travancore. The population of Travancore is increasing considerably whereas the area under paddy cultivation remains almost at a stand-still. The population which was nine lakhs in 1816 rose to 51 lakhs in 1931 and more than sixty lakhs in 1941. The area under paddy cultivation which was about five lakhs in 1816 rose to only six and a half lakhs in 1941. Thus during the past 125 years while the population increased by five hundred per cent. the area under paddy cultivation increased only by about 30 per cent. This is certainly a very serious state of affairs. Our annual consumption of rice is 19 million cwts. But our annual production is only about 12 million cwts. The rest we have to import from outside. As I have already stated, we cannot now import any more rice from outside. So the question naturally arises is it possible for us to cultivate all the paddy that we need in Travancore itself? Are we able to make Travancore self sufficient in the matter of supply of paddy? The answer is very well and ably given in an address by our Director of Agriculture a paragraph from which I may just be permitted to read. It runs as follows:—

"The question has often been asked as to whether it will be possible for us to produce all the food that we require without having recourse to imports from out-side. I have bestowed considerable thought upon the subject and can make bold to say that it is possible to do so. The total area under paddy in the State is over six and a half lakhs of acres and our annual consumption is estimated at about 19 million cwts. Our annual production of paddy is 12 million cwts and the deficit therefore is about 7 million cwts. By the use of improved implements and selected seeds and by scientific cultivation and intensive manuring, it is possible to increase the yield by at least 40 per cent. That it is possible to do so has been shown by numerous demonstrations conducted by the department and by the result obtained not only in India but also abroad. The area of Puzhalands in Kuttanad is about 150,000 acres. Most of this area is cultivated only once in two years. If at least one half of this area is rendered cultivable annually an increase of at least 750,000 cwts. of paddy can be expected. By converting about 20,000 acres of single crop lands in North Travancore adjoining the Periyar river into double crop lands by lift irrigation using electricity, another 150,000 cwts of paddy can be obtained. By this additional outturn of paddy and by the increase that could be obtained from the area normally under cultivation by scientific methods, local production of paddy could be augmented by about 5½ million cwts. The balance could be met by the use of pulses, ragi and millets for the cultivation of which there is ample scope in the country. There are about 15,000 acres of land in South Travancore not commanded by the Kodayar Project where the soil is a fine red earth and on which pulses, millets and cholam could be cultivated with advantage."

Sir, methods for increasing the output of paddy in the State have been dinned into our ears by being discussed in this House many times over that they need no reiteration.

One matter which I wish to mention is about the fragmentation of our lands. Sir, in Travancore the fragmentation of land is going on at such a rapid pace that it forebodes disastrous consequences. This is primarily due, if I am right, to the working of the Nayar and Ezhava Acts. We cannot resort to any sort of collective farming as in Russia because the political conditions here and in Russia are different. But if further fragmentation is prevented, that will help a great deal in increasing the output of paddy. That this matter has been engaging the attention of Government also, can well be seen from an address which the Dewan has delivered in this Assembly. He said:—

"Such careful husbanding and augmenting of resources in respect of paddy can only arise if the holding is economic. The cultivation of half an acre or one acre or two acres even under modern conditions will not be economic. The first problem therefore is a matter both legal and social. If and to the extent to which the communities concerned bring about a change of the law so as to permit the aggregation instead of fragmentation of holdings the necessary move would have been made by those communities. But assuming that the communities do not take these steps, Government cannot afford to sit still. Government will have to introduce legislation for compulsory consolidation. Government do not propose to alter the laws of any community except with the full consent of that community. But Government certainly can introduce legislation for preventing further fragmentation and imposing consolidation. That has been done elsewhere and done with some success in the Punjab. Government will wait for a short period of time, say six months, to see if the communities concerned will themselves take the necessary steps. Otherwise Government will necessarily have to introduce a legislation tending to consolidation."

[Mr. G. Velu Pillai.]

But no community has so far come forward with any such proposal and Government too have not done anything in the matter.

One other important matter which I wish to mention is about nutrition. Sir, everybody will admit that the most important factor that is responsible for the health of a human being is nutrition. Rice does not contain all the essential nutrition and vitamins necessary for our health. Therefore besides rice we have to use other articles also. Fats, protens etc. and elements like iron and calcium are also necessary for our health. For all these things we will have to depend upon other things than rice. What we generally do is to consume a large quantity of rice without caring for its nutritional value. But if we take a balanced food, then the quantity of rice that we take in can be reduced much. The cheapest possible diet for Travancore, providing the irreducible minimum requirements of essential food factors is given by Dr. Karunakaran in an article of his. It is as follows:—

Burma rice.	10	Ounces.
Ragi	5	"
Bengal gram	3	"
Milk	1	"
Tapioca	4	"
Lady's finger or brinjal	1	"
Amaranthus leaves	2	"
Drumstick leaves	1	"
Cocoanut	2	"
Cocoanut oil	1	"
Mangoes or plantains	1	"

He says that such a diet will cost only about 3 Rs. monthly. I have read this to show that the quantity of rice that we consume daily, could be reduced much if we resort to a balanced diet. The average quantity of rice which an individual consumes now is about 20 to 25 ounces daily.

I think even in the Central Prison it is about 25 ounces. According to this diet, it is enough if we consume only about 10 ounces of rice *i. e.* half the quantity of rice that we consume now. Calculating at this rate, we need only about 10 lakhs of cwts. of rice annually to feed the whole population of the State. And we are even now producing 12 lakhs of cwts. So, we will be able to export about 2 lakhs of cwts of rice annually even under the present conditions.

MR. PUTHUPALLI S. KRISHNA PILLAI: If every citizen were to consume lady's fingers as stated by the honourable member, may I know what is the approximate number of lady's fingers required for the whole State?

MR. G. VELU PILLAI: I think we can produce enough lady's fingers if we devote proper attention to that matter. But, Sir, turning to the subject, I know that it is not an easy matter to adjust ourselves

to this new diet all at once. Still if we make an honest attempt and persevere in it, I do not think it will be impossible to adapt ourselves to this new mode of diet. A beginning should be made by teaching every student in the school about the value of food stuffs and nutrition and about balanced diet.

In this connection I may be permitted to state that the cultivation of tapioca in the State is growing at an extraordinary rate and it is time to restrict its cultivation. It is a thing which impoverishes the soil and contains less nutrition than any other foodstuff.

MR. PUTHUPALLI S. KRISHNA PILLAI : What does Dr. Karunakaran say about it?

MR. G. VELU PILLAI : I am just going to read what he has said. This is what he says:—

“But tapioca contains very little nourishment except starch, and so while it supplies energy and a filling diet, it is wholly inadequate to preserve health and promote growth. . . . That, age for age, the boys and girls of the tapioca eating group are poorer in height and weight than the boys and girls of the neighbouring Tamil villages in British India is surely due to the diet consisting almost entirely of tapioca. Experiments in the Laboratory with rats have shown that a tapioca diet is detrimental to growth. But in addition to the progressive deterioration in height and weight of successive generations, there is also a lowering of vitality which makes the people easy victims of diseases like tuberculosis, leprosy, hookworm etc., which are more widely prevalent in this country than in other parts of India. The experience of western countries has shown that their success in their campaign against diseases like tuberculosis, is due largely to dietary improvements and better nutrition. If the insidious physical deterioration of the people of this country is to be arrested and if the spread of diseases like tuberculosis is to be controlled, it is highly essential that this tapioca regime should receive our early and serious attention. I do not say for a moment that tapioca is an un-mitigated evil. Indeed it has saved the people of this country from the horrors of famine which has periodically visited other parts of India. It has enabled the people not only to escape famines but also to breed and breed rather profusely. . . . The problem is to restrict its use and cultivation and to supplement it with fish and leafy vegetables.”

Therefore, my submission is that in certain portions of the State where we cultivate tapioca, we can cultivate cereals like ragi. Ragi is much more nutritious than either rice or tapioca and its cultivation should be encouraged in all possible ways.

Then, about fish, Sir, we have great potentialities in that direction. The industry if properly developed has a great future. What Japan has done in this respect can be studied. In Japan while from 1912 to 1927, the population increased by 25 per cent, the production of fish increased 300 per cent. Our natural facilities for fishing should be developed and means devised for transport of fish into the interior.

Now, with regard to the milk supply. The defects of mal-nutrition can be overcome to a large extent by the addition of milk products to our food. We have to increase the existing supply of milk. For this

[Mr. G. Velu Pillai.]

the cattle of the State should be improved by exterminating the inferior stock. We have to get down better breeds of cattle from outside. Grazing grounds and lands for the growing of fodder will have to be increased. The cultivation of grass like Napier and Guinea grass should be encouraged. Suitable portions from the Reserve Forests should be set apart to be used as grazing grounds.

It is not enough if we only agitate for a "grow more paddy campaign". We must increase our other food stuffs also. In this connection I may say that the neighbouring State of Cochin has already done some work in this direction by appointing a Commissioner with necessary staff and powers to find out ways and means for the production of more food stuffs in the State. I may suggest that we must also do something at once, on some such lines with necessary modifications.

Sir, the time for talk has now gone and the time for action has come. It is necessary that the honourable members of this House should seriously consider the situation that we are confronted with in the matter of our food supply. I must say that we must gird up our loins and take to the plough and bring about that consummation so devoutly to be wished.

MR. K. DOMINIC JOSEPH (*Vailom cum Kottayam*): Sir, I heartily support the adjournment motion. Just one year ago on 1st April 1941, I moved on the floor of the House an adjournment motion similar to the one moved today. That adjournment motion sought to discuss the serious situation created by the war in the Far East which threatens to embroil the countries supplying paddy and rice to this country with the possible danger of cutting off supplies therefrom, and to consider the necessity to formulate a definite scheme for producing paddy in the State within a definite period, sufficient to meet the needs of the country. Though only one year has elapsed it will be noticed, that much water has flown under the bridge, since then. The worst forebodings contained in that motion, have unfortunately become realities today. The inexorableness of the happenings has been surpassed only by the surprising rapidity with which they have come. And there are events which Travancore as a maritime State with its peculiar problems cannot afford to look upon with equanimity. Not only our shores are threatened; but our stomachs are also threatened. The danger is not imaginary. It is real to the core. With the supplies of rice and paddy cut off from Burma, Thailand and Indo China which account for nearly one half of our food supply, the crux of the problem is "Wherefrom shall we make up the deficiency?" We cannot safely depend upon British India. Firstly because British India itself is not self sufficient in the matter of paddy production. Secondly the local surpluses obtaining in certain particular areas in Bengal and Madras Presidencies will be diverted to the Punjab and the N. W. Frontier Province where there is an acute shortage of wheat. Thirdly at the time of emergency Ceylon also, which is in the same predicament as Travancore as regards its food resource, is depending upon India for its supply of rice. Therefore it will be the height of

complacency to think that our demands could be met and our shortage of supplies could be made up from British India. We should stand upon our own legs and chalk out our own schemes to increase our food production, sufficient to meet our needs.

In pre-war days the doctrine of economic national self-sufficiency was looked upon with disfavour and it had very strong critics. But the change in the evaluation of things brought about by the impact of the war, has brought about changes in economic doctrines as well. Now the achievement of regional self-sufficiency especially in the matter of food stuffs and essential commodities has been accepted to be the ideal and the imperial council of Agricultural Research is investigating ways and means to achieve this in India.

During the debate on my adjournment motion I advocated that at the Government in co-operation with the people should organize a country-wide "Grow more paddy--campaign". Then the opinion was expressed in certain quarters that will be inadvisable to cultivate all available space with paddy, when more profitable cultivations can be resorted to. In the face of the altered conditions now existing I trust these opinions will have been revised now. True it is, paddy cultivation yields only a comparatively small margin of profit. But when it is a question of starvation, profit has only a secondary place.

In this connection, it will be profitable to consider, what our neighbouring States, similarly placed as we are, are doing to get out of the present difficult situation. In our sister State of Cochin a separate department has been created with a Food Production Commissioner at its head, with extensive powers, for speeding up the production of food materials in the State. Forest lands within the Reserves and tharisa lands at the disposal of the Government, suitable for cultivation, are to be advanced 15 Rupees per acre by the Government as a contribution to the capital necessary to open up these lands. Remissions of land tax is to be allowed for the new areas brought under cultivation. Free supply of seeds and manure is to be given for needy agriculturists. That Government has sanctioned the construction of the Chalakudi--Anamalais Road at an estimated cost of 5 lakhs and sixty thousand Rupees to facilitate the assignment and cultivation of lands within the Reserve Forest.

These proposals show that the Cochin Government is fully alive to the gravity of the situation confronting them, is prepared to face the problem fair and square, and is ready to take bold measures to achieve the desired objective. I am sorry the same cannot be said of Travancore. What is it that the Government has done to meet this emergent situation fraught with dangerous possibilities? Has anything substantial been done? The Director of Agriculture has asked for a supplementary grant of Rs. 30,000 to make manure to be sold to agriculturists. Certain attempts are being made to do cultivation by lift irrigation through the aid of electricity. I ask what other emergency measures of a substantial character have been taken to meet the present grave situation. Have the Government chalked out a definite programme to attain self sufficiency in the matter of paddy, within a definite period?

[Mr. K. Dominic Joseph.]

I urge that the Government should act with vision and courage at this critical juncture, untrammelled and unhindered by Red Tape.

I will now suggest a few of the measures that the Government have to take at this time of emergency. And I will do that by quoting from my speech made last year.

Let the Government accept the achievement of self-sufficiency in the matter of paddy as the aim of Government policy, to be achieved within a stipulated period. Give all facilities to the cultivators without the Government red-tape hampering the progress of the work. Let swampy areas and other lands within Reserved Forests be made available to the people for immediate cultivation. Let Division and taluk committees be organized to attract the unstinted co-operation of the people. Let there be a country-wide "*Grow-more paddy-campaign*" similar to the planting day and honey week in British India. Give agricultural loans for the purpose of extensive and intensive paddy cultivation. Give remissions of land tax in respect of areas newly brought under paddy cultivation. Give seeds and implements free wherever these are required. Let Government appreciation of the work done by cultivators be recognised by giving prizes to the best extensive and intensive cultivator of paddy. In these and similar ways, an impetus can be given and the object can be achieved. And if this is achieved, it will be a measure second to none, in its magnitude and beneficent effects and will be remembered by generations to come with gratitude.

MR. A. GOPALA MENON: May I know, Sir, the authority which he quotes?

DEPUTY PRESIDENT: His own speech.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: Sir, I do not wish to dilate on the various measures which the Government have in view in regard to this most important and urgent problem which has been engaging the attention of Government for some time past. The details will be dealt with by the Director of Agriculture and the Conservator of Forests. I have only to assure honourable members of this House that Government are fully aware of the urgency of the problem before them and they are deeply grateful for the valuable suggestions that have been made by honourable members of this House. They will be most carefully considered and every step will be taken to implement the spirit of the motion before this House.

I may incidentally recall the attention of the House to the emphasis that has been laid on this problem by the Dewan at successive sessions of this Assembly ever since the outbreak of the War. He referred to this problem with his characteristic foresight. He anticipated the recent events that have brought about a most critical situation in the history of this country in regard to food supplies. All of us were depending

very largely upon Burma and Siam for our rice. We did not regard British India as a market from which to import rice for our needs. Latterly, however, when by force of circumstances we have been deprived of our source of supply from Burma and from Siam, we have necessarily to resort to British India for a major portion of our supply. Fortunately, we have been able to secure a substantial supply from British India for our immediate requirements. I may say that Government have been encouraging large scale importers of rice to import as much as possible from British India without further delay. Government have moved the Railway authorities to provide waggons for the supply of this commodity so essential for the life of the community. I am glad to say that the railway authorities have appreciated our position to some extent. The Government have also taken steps to maintain an adequate supply to the extent possible to meet any emergency. It was pointed out by my honourable friend Mr. Kesava Pillai that there was large stock of paddy in certain quarters which Government ought to trace and get hold of. I may assure honourable members of this House that the possibility of hoarding with a view to profiteering was anticipated sufficiently early and measures, as you are all aware, have been taken to see that that hoarding is avoided. Government are making an effort to see that the paddy stock that is available in the country is brought to account so that in an emergency it may be placed at the disposal of Government. There was an attempt made recently by some large scale purchasers to make purchases and hoard for their own purposes. Prompt action was taken under orders issued by Government in pursuance of the powers vested in them under the Defence of Travancore Act; and the paddy so purchased was placed at the disposal of Government.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know whether anything has been done in the case of large scale producers of paddy?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: We want large scale production of paddy. We would welcome such efforts as thereby a large stock of paddy would become available to us in this country. The only objection that Government take is to the hoarding it and not releasing it in times of need, and also to the attempt to sell paddy outside the State with a view to profiteering or getting higher prices than what we shall be able to give. In such cases, Government will have no hesitation whatsoever to intervene and necessary statutory powers have been taken in order to secure and hold that paddy for the use of the people of the State.

As regards further production of paddy, there can be no two opinions. Government are at one with the representatives of the people in this respect; I am sure that the measures which are being designed and which have been designed by the Department of Agriculture in collaboration with other departments of the State would meet with your approval and that honourable members of this House and the people at large will co-operate fully in bringing into cultivation the large tracts

[Rajyasevapravina G. Parameswaran Pillai.]

which are available for the purpose and which are not now being utilized in an adequate measure. In fact, Governments are only sorry that large tracts of registered holdings are kept idle by the owners of such tracts. Every step will be taken by Governments to induce the people who are allowing these lands to lie idle to see that they are all brought under cultivation. I may, therefore, assure the House that we are in perfect agreement with the object behind this motion.

MR. KOTTALIL P. ABRAHAM: With reference to the Essential Commodities Order, may I know whether the statistics mentioned there in should include also paddy set apart for seeds?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: No. That is exactly why a certain limit has been prescribed. It is only paddy beyond a certain limit for which statistics have been called for under the Essential Commodities Order. Provision has been made for quantities intended for seed and other essential purposes.

MR. KOTTALIL P. ABRAHAM: But the quantity mentioned is only 150 paras. But there are cases where the requirement of seed paddy will go beyond that quantity.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: There is nothing prohibiting it. We are only calling for statistics. The mere fact that you are liable to furnish statistics does not impose any further obligation that you shall only utilize the paddy for any particular purpose. What Government are keen about is that they should be made aware of the quantities that might become available in the country in order to meet any emergency.

MR. K. P. KOCHUKORA THARAKAN : ഞാൻ ഈ പ്രമേയത്തെ ഹാർട്ട് ചെയ്തിട്ടുണ്ട്. അറുപതുലക്ഷത്തോളം ജനങ്ങൾ അധിവസിക്കുന്ന തിരുവിതാംകൂറിൽ ആറുലക്ഷത്തിൽ ചിലപാനം ഏക്കർ കൃഷിസ്ഥലം മാത്രമേയുള്ളൂ എന്ന് കാണുന്നു. ഈ കണക്കനുസരിച്ചു പത്താളുകൾക്ക് ഒരു ഏക്കർ ഭൂമിത്തായത് കൊളിൻ ൧൦ സെൻറസ്ഥലം മാത്രമേ കൃഷി ചെയ്യാവൂ. ഇത്രയും സ്ഥലം കൃഷി ചെയ്യണമെന്ന വിളവു കൊളിൻറെ ഭക്ഷണത്തിൽ തീർച്ചയായും മതിയാകുകയില്ല. ഇത്രയും കൃഷിസ്ഥലങ്ങളിൽ കൃഷി ചെയ്യുന്നതുകൊണ്ടു തിരുവിതാംകൂറിലെ ജനങ്ങൾക്കു ജീവിക്കുവാൻ സാധിക്കുകയില്ല എന്ന് സംഗതി പലനാളായി ജനപ്രതിനിധികൾ ഗവണ്മെൻറിനെ അറിയിച്ചിട്ടുണ്ട്. എന്നാൽ തിരുവിതാംകൂർ ഒരു സെൽഫ് സപ്ലൈമെന്റിംഗ് (ഭക്ഷണസാധനങ്ങൾക്കു) രാജ്യമാകുന്നതിൽ ഗവണ്മെൻറ് ഇതുവരെ വേണ്ടവിധം പ്രവർത്തിച്ചിട്ടില്ലെന്നുള്ള പരമം തരം തെളിച്ചപരയാതെ നിവൃത്തിയില്ല. അഗ്രിക്കൾച്ചറൽ ഡിപ്പാർട്ടുമെൻറിനെ പറ്റി ഏകദേശം ഒരു മെൻ്റ് ഡിപ്പാർട്ടുമെൻറായിട്ടാണ് ഭരണിക്കുന്നത്. ഈ ഡിപ്പാർട്ടുമെൻറിനെ ഒരു മേജർ ഡിപ്പാർട്ടുമെൻ്റ്

ന്റായി രൂപാന്തരപ്പെടുത്തണമെന്നു പൊതുജനങ്ങളും ജനപ്രതിനിധി
 കളും പല പ്രാവശ്യവും അഭിപ്രായപ്പെട്ടിട്ടുണ്ട്. ഈ ഡിപ്പാർട്ട്മെ
 ന്റിൽ സമത്വനാരായ കൃഷിഡയറക്ടറന്മാർ വരുമ്പോൾ അവരെ ശമ്പ
 ഉക്രൂടതൽകൊടുത്തു പ്രോത്സാഹിപ്പിക്കുന്നതിനു പകരം മറ്റു ഡിപ്പാ
 റ്ട്മെന്റുകളിലേക്കു ശമ്പളക്രൂടതൽകൊടുത്തു നിയമിച്ചിട്ടുള്ളതായിട്ടു
 ണു ഗവണ്മെന്റിന്റെ നയം കണ്ടിട്ടുള്ളതു. തിരുവിതാംകൂറിലെ ജന
 ങ്ങളിൽ ഒരു ശതമാനം ആളുകൾ കർഷകരാണെന്നു അഭിമാനിക്കുന്ന
 ഗവണ്മെന്റ് കൃഷിഡിപ്പാർട്ട്മെന്റിനെ ഇനിയും ഒരു മെമ്പർ ഡിപ്പാ
 ട്ട്മെന്റായി ആഡംബരത്തിനുവേണ്ടി വച്ചുകൊണ്ടിരിക്കുന്ന രീതി നിര
 ത്തേണ്ടതും ഈ ഡിപ്പാർട്ട്മെന്റിനെ ഒരു മേജർ ഡിപ്പാർട്ട്മെന്റായി
 ഉയർത്തി അതിന്റെ പ്രവർത്തനപദ്ധതി വികസിപ്പിക്കേണ്ടതും ഏറ്റ
 വും അത്യാവശ്യമാണ്. ഈ അവസരത്തിൽ ഗവണ്മെന്റ് തിരുവിതാം
 കൂറിന് ആവശ്യമുള്ള നെല്ലും അരിയും ശേഖരിക്കുന്നതിൽ ബദ്ധശ്രദ്ധ
 രായിക്കൊണ്ടുവരുന്നതിൽ വളരെ സന്തോഷമുണ്ട്. എന്നാൽ ഗവണ്മെന്റ്
 കറെ നേരത്തേതെന്ന ഈ പ്രശ്നത്തെപ്പറ്റി ആലോചിച്ചിരുന്നുവെ
 ക്കിൽ നമുക്കു ബുദ്ധിമുട്ടോ വിഷമമോ ആശങ്കയോ, ആവേശമോ കൂടാ
 തെ ഈ യുദ്ധപരിതസ്ഥിതിയിൽ സമൃദ്ധിയായി കഴിഞ്ഞുകൂടാമായിര
 നു. ഇനി അതിനെപ്പറ്റി പറഞ്ഞിട്ടു വിശേഷമില്ലല്ലോ. ൧൧൧൨
 മുതൽ ഞാനും എന്നപ്പോഴൊരു മറ്റുചില മെമ്പർമാരും ഇതിനെസം
 ബന്ധിച്ച് പല പ്രാവശ്യവും ആവർത്തിച്ചുവർത്തിച്ച് പ്രസ്താവിച്ചിട്ടുള്ള
 താണ്. എന്നാൽ മുൻപുണ്ടായിരുന്ന കൺസർവേറ്റർ അമ്പർകൾ
 ഒരു സെന്റർ സ്ഥലംപോലും കൃഷിക്കായി കൊടുക്കുന്നതിൽ അനുകൂലി
 ആയിരുന്നിട്ടില്ല. ഇപ്പോഴത്തെ കൺസർവേറ്റർ ഇപ്പോഴത്തെ പരിത
 സ്ഥിതിയിലെങ്കിലും വല്ല അനുകൂലവും ഈ വിഷയത്തിൽ ചെയ്യുമെന്നു
 വിശ്വസിക്കുന്നു. ഇൻറൻസീവ് കർട്ടിവേംഗനെപ്പറ്റി പറയുകയാണ
 ക്കിൽ, പ്ലാഹുറിഗേഷൻ, ലിഫ്റ്റ് ഇറിഗേഷൻ ഇങ്ങനെ രണ്ടു തര
 ത്തിൽ കൃഷിപ്പിഴയെ ഇല്ലാതാക്കി വിളവു വർദ്ധിപ്പിക്കാം. അതി
 നുള്ള സൗകര്യങ്ങൾ മൂവാറ്റുപുഴ, കുന്നത്തുനാട്, തൊടുപുഴ ഈ
 താലൂക്കുകളിൽ ധാരാളമായിട്ടുണ്ടുതാനും. ഞാൻ താമസിക്കുന്ന കുന്നത്തു
 നാട് താലൂക്കിൽ തന്നെ തിരുവിതാംകൂറിലെ ആകെത്തുള്ള നെൽകൃഷി
 സ്ഥലങ്ങളുടെ പത്തിലൊന്നും ഏന്റെ നിയോജകമണ്ഡലത്തിൽത്തന്നെ,
 തിരുവിതാംകൂറിലെ ആകെത്തുള്ള നിലങ്ങളുടെ ആറിൽ ഒന്നു ഭാഗം

[Mr. K. P. Kochukoratharakan.]

നിലം നെൽകൃഷിക്കായി ഉപയോഗപ്പെടുത്തി വരുന്നു. തിരുവിതാംകൂർ
 റിലെ ആകെയുള്ള കൃഷിസ്ഥലങ്ങളുടെ മൂന്നിൽ ഒരുഭാഗം കൃഷിസ്ഥലം
 പാവൂർ, കുന്നത്തുനാട്, മൂവാറ്റുപുഴ എന്നീ താലൂക്കുകളുൾപ്പെട്ട തിരു
 വിതാംകൂറിന്റെ വടക്കേ അറ്റത്താണ് സ്ഥിതിചെയ്യുന്നത്. അവിടെ
 ഗവണ്മെൻറ് ആവശ്യമായ ജലസേചനപദ്ധതികൾ നടത്തി തരികയാ
 ണെങ്കിൽ ഇനിയും ൨൦,൦൦൦ ഏക്കർ സ്ഥലത്തിൽ കുറയാതെ പുതു
 തായ നെൽകൃഷിചെയ്യുവാൻ സാധിക്കുന്നതും അതിനു കോതയാർ
 അണുപോലെ വൻപിച്ചു ചിലവുകൾ ആവശ്യമില്ലാത്തതും വളരെ
 ചുരുങ്ങിയ ചിലവിൽ സാധിക്കാവുന്നതുമാണ്. ഇപ്പോൾ ഒരുചിലവും
 കൂടാതെ ഒരു പതിനായിരം ഏക്കർ സ്ഥലം ഫാറസ്റ്റിൽനിന്നും ഒഴി
 വാക്കി കൃഷിക്ക് വിട്ടുകൊടുത്താൽ ഈ ആണ്ടിൽതന്നെ കൃഷിചെയ്യാവു
 ന്നതുണ്ട്. ഇതുപോലെ യുള്ള സൗകര്യം രാജ്യത്തിന്റെ പല ഭാഗങ്ങളു
 ള്ലും കാണാം. കൃഷിക്കു അല്പംകൂടി സഹായം ചെയ്തുകൊടുക്കുന്നപക്ഷം
 ഇപ്പോഴുള്ള കൃഷിസ്ഥലങ്ങളിലെ വിളവിൽ ൨൫ ശതമാനമെങ്കിലും കൂടു
 ത്തൽ വിളവു കിട്ടുമെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. ഗവണ്മെൻറ്
 ഈ കൃഷിക്കായ്ക്കൽ ഇതുവരെ ഉദാസീനമായി പ്രവർത്തിച്ചുകൊണ്ടി
 രുന്നു. ഇപ്പോഴെങ്കിലും ഈ സംഗതി ഗവണ്മെൻറിന്റെ ഭ്രഷ്ടിയിൽ
 പരിണതമാണെന്നതിൽ സംശയാർഹമുണ്ട്. അതിന്റെ ആവശ്യം
 ഇപ്പോൾ ഗവണ്മെൻറിനു ബോദ്ധ്യപ്പെട്ടിട്ടുണ്ടായിരിക്കണം. ഭക്ഷണ
 സാധനങ്ങൾ ആവശ്യത്തിനു മതിയാകാതെ വർദ്ധിക്കുന്നപോൾ വിമാ
 നവേഗത്തിൽ അവയെ ഉണ്ടാക്കുവാൻ ശ്രമിക്കേണ്ടതായിരുന്നു.
 എന്നാൽ അതു ചെയ്തില്ല. ഇനിയെങ്കിലും ആ സംഗതി ഗവണ്മെ
 ന്റിന്റെ ശ്രദ്ധയിൽ വെച്ചുകൊണ്ട് എത്രയും വേഗത്തിൽ (മൂന്നുനാലു
 മാസത്തിനകം) നമുക്കു ആവശ്യമുള്ള നെല്ല് കൃഷിചെയ്യുണ്ടാക്കുന്നതിനു
 വേണ്ട പദ്ധതികൾ നടപ്പിൽ വരുത്താൻ ശ്രമിക്കേണ്ടതാണ്. സ്വന്തം
 പാ ഏരിയാസ ധാരാളമായി നമ്മുടെ ഫാറസ്റ്റിൽ വെറുതെ കിടക്കുന്നു
 ണ്ടു. അവയെ കൃഷിക്കുവേണ്ടി തിരുവിതാംകൂർക്കാർക്കു കത്തകപ്പാട്ടു
 മായി കൃഷിക്കു കൊടുക്കണം. റിസർവ് വനങ്ങളിൽ കിടക്കുന്ന ചതു
 സ്തനിലങ്ങൾ റിവർബെഡ് തീരസ്ഥലങ്ങൾ മുതലായ കൃഷിക്കു ഉപയു
 ക്തങ്ങളായ സ്ഥലങ്ങളെ, ഭക്ഷണസാധനങ്ങൾ കൃഷിചെയ്യുന്നതിനായി
 തിരുവിതാംകൂർക്കാർക്കു ഒരു ക്ലിപ്തകാലത്തേയ്ക്കെങ്കിലും ഏതെങ്കിലും വ്യവ
 സ്ഥയന്മേൽ കൃഷിചെയ്യാൻ വിട്ടുകൊടുക്കണം. ആ തരത്തിൽ നെല്ല്

വിളവു വർദ്ധിപ്പിക്കാൻ ഗവണ്മെൻറ ശ്രമിക്കണം അപ്രകാരം ഗവണ്മെൻറ പ്രവൃത്തിക്കുന്നതിനു ഇനിയും കാലതാമസം വരുത്തിക്കൂടാത്തതാകുന്നു. കാലതാമസം കാര്യങ്ങളിൽ പ്രയാസമുണ്ടാക്കുന്നു എന്നും ഗവണ്മെൻറ ധരിച്ചിരിക്കേണ്ടതാണ്. നമ്മുടെ അയൽ രാജ്യങ്ങളിലെല്ലാം ഈ സംഗതിക്കു വേണ്ട പ്രതിവിധികൾക്കാവശ്യമായ പ്രവർത്തനങ്ങൾ വളരെ വേഗത്തിൽ നടത്തുന്നു. ഇവിടെയാകട്ടെ ഇനിയും ആ സംഗതി ആലോചനയിൽ ഇരിക്കുന്നതേയുള്ളൂ. ഒരു മാനുസ്ക്രൈഫിൻ പ്രസ്താവിച്ചതുപോലെ ജന്മികൾ, ഇടവകക്കാർ മറ്റു മുതലാളിമാർ തുടങ്ങിയ ധനവാന്മാർ വളരെ അധികം സ്ഥലങ്ങൾ യാതൊരു കൃഷിയും ചെയ്യാതെ പാഴായി ഇട്ടിട്ടുണ്ട്. ഗവണ്മെൻറ ഏന്തെങ്കിലും നയംപ്രകാരം കൊണ്ടോ അധികാരമുള്ള ഉപയോഗിച്ചോ ആവക സ്ഥലങ്ങളെ കൃഷിസ്ഥലങ്ങളായി രൂപാന്തരപ്പെടുത്തിക്കണം. ഗവണ്മെൻറിന്റെ മുൻപുള്ള നയം കൂടുതൽ ആദായമുള്ള കൃഷിചെയ്യണമെന്നായിരുന്നു. ഇപ്പോൾ ആ നയം മാറുകയും ആഹാരസാധനങ്ങൾ ഉൽപാദിപ്പിക്കണമെന്ന് ഗവണ്മെൻറ ഉപദേശിക്കുകയും ചെയ്യുന്നുണ്ട്. കൃഷിക്കു വേണ്ടിവരുന്ന പണം കൃഷിവാങ്ങിയായി ഗവണ്മെൻറിൽനിന്നും കൊടുക്കുകയും, ആഗ്രിക്കൾച്ചറൽ ഡിപ്പാർട്ടുമെൻറിൽനിന്നും കൃഷികളുടെ വിളവു വർദ്ധനവിന് ആവശ്യമായതും എന്നാൽ വിലകുറഞ്ഞതും ആയ വളം ക്രോപ്പ് ലോണിൽ കൊടുക്കുകയും മറ്റും ചെയ്ത് വേണ്ടവധത്തിൽ കൃഷിക്കാരെ സഹായിക്കുകയും ചെയ്യണം. ഇങ്ങനെ കൊടുക്കുന്ന കടം ഈ ടാക്കാൻ യാതൊരു പ്രയാസവുമില്ലാത്തതുമാകുന്നു. തീർച്ചയായിട്ടും ഗവണ്മെൻറിൽനിന്നും വസ്തു ഉടമസ്ഥർ ക്രോപ്പ് ലോൺ കൊടുക്കുന്ന യാതൊരു ലോൺ കിട്ടാതെ വരികയില്ല. ഗവണ്മെൻറ ഉദ്യോഗസ്ഥന്മാരുടെ അലസതകൊണ്ടു മാത്രമാണു ലോൺ ഈടാക്കാതിരിക്കുന്നതെന്നുള്ള സംഗതി എല്ലാവർക്കും അറിയാവുന്ന പരസ്യമായ ഒരു രഹസ്യമാണ്. കൃഷിപ്പായു വാങ്ങിയിട്ടുള്ളവർ ആ സംഖ്യ ഏതെല്ലാം വിധത്തിലാണ് ഉപയോഗിച്ചു വന്നതു എന്നു അതു തിരിച്ചു കൊടുക്കാതിരിക്കുന്നതിനും കൊടുക്കേണ്ടി വന്നാൽ തന്നെ അവധി നീട്ടിവെക്കിയെന്നതിനും ഏന്തെല്ലാം സൂത്രങ്ങളും നയങ്ങളും ആണു ഉപയോഗിച്ചു വരുന്നതു എന്നും ഒരു കൃഷിക്കാരനായ എനിക്കു ധാരാളം മനസ്സിലാക്കാൻ സാധിച്ചിട്ടുണ്ട്. കൃഷി പാടനശിച്ചുപോകുന്ന അവസരങ്ങളിൽ മാത്രമാണു കൃഷിലോൺ ഈടാക്കാൻ പ്രയാസമായിരിക്കുന്നത്. അങ്ങിനെ വരുമ്പോൾ കുറെ അവധികൊടുത്തു ലോൺ ഈടാക്കാവുന്നതാണ്. പണം കടംകൊടു

[Mr. K. P. Kechukoratharakan.]

കുന്ന അധികാരികൾ ഉത്തരവാദിത്വത്തോടുകൂടി കടം കൊടുത്താൽ അതു തീർച്ചയായും തിരിച്ചു കിട്ടുമെന്നാണ് എന്റെ ഉത്തമവിശ്വാസം. തിരുവിതാംകൂറിനു വെളിയിൽനിന്നും ഏതാണ്ടു മൂന്നര ലക്ഷം രൂപയുടെ അരിയും നെല്ലും ആണ് ഇവിടെ വരുത്തുന്നത്. അതായത്, ഇവിടെ ഒരു ആകെയുള്ള പൊതുജനങ്ങളുടെ വരുമാനത്തിൽ ഒരു ശതമാനത്തിൽ കൂടുതൽ വിലയുള്ള അരി വിഭേദത്തുനിന്നും നാം വാങ്ങുന്നു. ഈ യുദ്ധപരിതഃസ്ഥിതിയിൽപോലും ഇത്രയും തുക തിരുവിതാംകൂറിനു വെളിയിൽപോകാതെ അത്രയും അരി തിരുവിതാംകൂറിൽതന്നെ ഉണ്ടാക്കുന്നപക്ഷം നമുക്കു പരാശ്രയം കൂടാതെ സംതൃപ്തരും സമ്പന്നന്മാരും സൗഭാഗ്യവാന്മാരുമായി ജീവിക്കുവാൻ കഴിയുന്നതുമാണ്. ഇപ്പോൾ വിഭേദത്തുനിന്നുതന്നെ അരികിട്ടുന്നകാലം പ്രയാസമാണെന്ന് ബർമ്മാ മുതലായ രാജ്യങ്ങളുടെ ഇപ്പോഴത്തെ നിലകൊണ്ട് മനസ്സിലാക്കാനും ഇപ്പോൾ ഭക്ഷണസാധനങ്ങൾക്ക് ഓട്ടംതുടങ്ങിയിരിക്കുന്നു. നാം കഴിയുന്നതും വേഗത്തിൽ ഇതിനു പരിഹാരം നേടണം. അതിനുവേണ്ട പദ്ധതികൾ ഇതേവരെ തയ്യാറായിട്ടില്ല. അത് ഗവണ്മെന്റിന്റെ ആലോചനാഗർഭത്തിൽ ഇരിക്കുന്നുവെന്ന് ബഹുമാനപ്പെട്ട ചീഫ് സെക്രട്ടറി അവർകൾ പ്രസ്താവിച്ചു. അതു നടപ്പിൽവരുത്തേണ്ടത് എങ്ങിനെ എന്നും മറ്റുമുള്ള വിശദവിവരങ്ങൾ വ്യക്തമായി പ്രസ്താവിച്ചിട്ടില്ല. ഇക്കഴിഞ്ഞ സ്റ്റേറ്റ് കൗൺസിലിൽ സചിവോത്തമൻ ചെയ്തതായപ്രസ്താവനയിലെ ഒരു ഭാഗം ഞാൻ എടുത്തുപറയാൻ ഉദ്ദേശിക്കുന്നു.

" There is onething I might add. Time was when most of us were rather shy of our tapioca. Nutrition experts have stated and I was among them that tapioca should be eschewed, because it is not sufficiently nutritious. But there may come occasions perhaps, when straw or grass is the only alternative between starvation and non-starvation. I am therefore going to make an appeal in direct contradiction and contravention of what I myself stated from this place and on public platforms, that every possible available ground should be cultivated with tapioca in view to the possible situation that might be caused by the crisis which confronts us. Tapioca is a three or four monthly crop. A month has elapsed since the last planting began and I am told that even now the planting can be resorted to. If that is so, it is necessary that the Government and the people alike should take the necessary steps to get something at least to live upon. Tapioca and fish will probably be the only things on which we will have to live. And that is an appeal that I am now making to the honourable members of this House and through them to the public outside."

ഈ നില വ്യക്തമായി മനസ്സിലാക്കിയതിന്റെ ശേഷവും ഗവണ്മെന്റ് ആവശ്യമായ നിവൃത്തിമാർഗ്ഗങ്ങൾ ഇനിയും പ്രവർത്തിച്ചുകഴിഞ്ഞിട്ടില്ലെന്നു പറയുന്നത് എത്രയും മനോസങ്കടമാണെന്ന് പറയാതിരിക്കാൻ ന

വൃത്തിയില്ല. എട്ടും പത്തും കൊല്ലത്തിനു ആവശ്യമുള്ള നെല്ല് ചില സമ്പന്നന്മാരുടെ കൈവശം ഇരിപ്പുണ്ട്. തിരുവിതാംകൂറിലെ നൂറു ലക്ഷം ജനങ്ങളിൽ ൪൦ ലക്ഷം പേർ പട്ടിണി കിടക്കുകയും ബാക്കി ൨൦ ലക്ഷം ആളുകൾക്കു ഭക്ഷണം കഴിക്കുകയും ചെയ്യാമെന്ന് ആരും വിചാരിക്കേണ്ട. തലയല്ലാതെ വയറ് വേടിക്കയ്യില്ല എന്നൊരു പഴയൊല്ലുണ്ട്. പകുതിയിലധികം ജനങ്ങൾ പട്ടിണിക്കൊണ്ടു നട്ടുതിരിയുന്ന അവസരത്തിൽ മറ്റുള്ളവരുടെ പ്രബലതയും അധികാരവും സ്ഥാനവും മാനവും എല്ലാം ഒരേ സമയത്തു് അവസാനിക്കുന്നതിനിടയാകും. ആ സംഗതി ഗവണ്മെൻറു മനസ്സിലാക്കി കഴിയുന്നതും വേഗത്തിൽ വേണ്ട പരിഹാരം ചെയ്യണം. വടക്കൻ തിരുവിതാംകൂറിൽ ഈയിടെ യായി ൧൦, ൨൦, ൩൦, ൪൦, ൫൦ ഇങ്ങനെ ആളുകൾ അഭയാർത്ഥികൾ എന്നു പറഞ്ഞു സഹായം അപേക്ഷിച്ചു സഞ്ചരിച്ചു തുടങ്ങിയുണ്ടു്. അവരുടെ സംഖ്യ വർദ്ധിച്ചു് എന്താണു സംഭവിക്കുന്നതു എന്നു കണ്ടറിയേണ്ടതാണു്. ഭാരിദ്ര്യം നിമിത്തമാണു് അവർ ഇപ്രകാരം നടക്കുന്നതു എന്നു നാം മനസ്സിലാക്കണം. അയൽ രാജ്യക്കാർ ധാരാളമായി ഇങ്ങോട്ടു പ്രവഹിച്ചുകൊണ്ടിരിക്കുന്നു. ഈ പരിതഃസ്ഥിതിയിൽ തിരുവിതാംകൂറുകാരും തിരുവിതാംകൂറുകാരും തമ്മിലോ, അയൽ രാജ്യക്കാരും തിരുവിതാംകൂറുകാരും തമ്മിലോ ലഹളകൾ ഉണ്ടായേക്കാം. ഈ നാട്ടിൽ വന്നുപേൻ കൊണ്ടിരിക്കുന്ന ആളുകൾക്കു ഭക്ഷണംകൊടുക്കാൻ നിവൃത്തിയില്ലാത്തപക്ഷം കശവിശകളും ലഹളകളും ഉണ്ടായേക്കാം. ഇപ്രകാരമുള്ള അനിഷ്ടസംഭവങ്ങൾ ഉണ്ടാകാതെ ഗവണ്മെൻറു വേണ്ട മുൻകരുതലുകൾ ചെയ്യേണ്ടതാണു്. മി: കമാരൻവൈദ്യൻ പ്രസ്താവിച്ചു, അയൽ രാജ്യങ്ങളിൽനിന്നും ആളുകൾ ധാരാളമായി ഇവിടെ വന്നു ചേരുന്നു എന്നു്. ഇപ്പോഴും ജനങ്ങൾ തിരുവിതാംകൂറിന്റെ ഉൾപ്രദേശത്തേക്കു് ഒഴുകിക്കൊണ്ടിരിക്കുന്നു. അവർ ചെന്നു തിരുവിതാംകൂറിൽ കൊണ്ടുവന്നാലും അവർക്കു് ആവശ്യമുള്ള ഭക്ഷണസാധനങ്ങൾ തിരുവിതാംകൂറിൽനിന്നുതന്നെ കൊടുക്കേണ്ടതായി വരും. അതു കൊണ്ടു നമുക്കു അറുപതുലക്ഷം ജനങ്ങൾക്കുള്ള ആഹാരസാധനങ്ങൾ ഉണ്ടാക്കിയാൽപോരാ. ഒരുക്കേടി ജനങ്ങൾക്കു ആവശ്യമുള്ള ആഹാരസാധനങ്ങൾ ആണു് ഉണ്ടാക്കേണ്ടതു്. പുറത്തുനിന്നും വരുന്ന ആളുകൾക്കു ചെൽട്ടർകൊടുക്കാൻ തിരുവിതാംകൂർ തയ്യാറായിരിക്കണം. ഈ യുദ്ധപരിതഃസ്ഥിതി അല്ലെങ്കിലും ഒരാണ്ടിൽ ഒരുലക്ഷം ജനങ്ങൾവിതം വർദ്ധിക്കുന്ന തിരുവിതാംകൂറിൽ കഴിഞ്ഞ ഇരുപതു കൊല്ലത്തിനകം ജന

[Mr. K. P. Kochukoratharakan.]

സംഖ്യ നാല്പതു ശതമാനവും ഉല്പന്നങ്ങൾ അഞ്ചുശതമാനവും ആണു വർദ്ധിച്ചിട്ടുള്ളതു്. ബാക്കി ഉല്പന്നങ്ങൾ നാം വാങ്ങേണ്ടതു് ആരായി കേണ്ടതായിട്ടാണിരിക്കുന്നതു്. അതുകൊണ്ടു് എന്റെ ബഡ്ജറ്റു് പ്രസംഗത്തിലെ നാല്പതുപ്രകാരം “നമുക്കുവശമുള്ള ഭക്ഷണസാധനങ്ങൾ നമുക്കു തന്നെ ഉണ്ടാക്കാവുന്ന ഒരു പദ്ധതി നാം ഉടനെ രൂപീകരിക്കണം.” അതു് ഇപ്പോഴത്തെ പരിതഃസ്ഥിതിയിൽ ഒരു പഞ്ചവത്സരപദ്ധതിയോ നവവത്സരപദ്ധതിയോ ആകട്ടെ. അഞ്ചുമാസത്തിനകം നടപ്പിൽ വരുത്തേണ്ട ഒരു പദ്ധതിയായിരിക്കണം എങ്കിലുള്ളതു്. “അന്നവിചാരം മൂന്നവിചാരം” ആയിട്ടാണിരിക്കുന്നതു്. നമുക്കു് ആവശ്യമുള്ള ഭക്ഷണ സാധനങ്ങളില്ലാതെ നാം മുന്നോട്ടുപോയാൽ ഇടയിൽ വീഴേണ്ടതായി വരും. അതിനു ഇടയാക്കാതെ വേണ്ടനടപടികൾ നാം ഉടൻതന്നെ ചെയ്യണം. ആഗ്രിക്കർച്ചുറൽ ഡയറക്ടറും ഫാറസ്റ്റ് കൺസർവേറ്ററും ഒരു സീറ്റിൽ ഇരുന്ന് സന്തോഷമായി കഴിയുന്നതായി കാണുന്നതിൽ എനിക്കു് വളരെ സന്തോഷമുണ്ടു്. ഈ സംഗതിയിലും (ക്രഷിവർദ്ധന പദ്ധതിയിലും) ഇതേരീതിയിൽ അവർ (ഫാറസ്റ്റ് കൺസർവേറ്ററും ആഗ്രിക്കർച്ചുറൽ ഡയറക്ടറും) യോജിച്ചു പ്രവർത്തിച്ചു കണ്ടാൽ കൊള്ളാം. ചുമതല ബോധമുള്ള ഉദ്യോഗസ്ഥന്മാർ എല്ലാപേരും ചേർന്നു, ഈ ആപൽപ്പട്ടത്തിൽ, അതായതു് ആഹാരസാധനങ്ങൾ കിട്ടാൻ നിവൃത്തിയില്ലാതെയിരിക്കുന്ന ഈ അവസരത്തിൽ, ആഹാരസാധനങ്ങൾ തിരുവിതാംകൂറിൽ തന്നെ വിളയിച്ചുകൊടുക്കുന്നതിനും തൽക്കാലം പോരാതെവരുന്നവരുടെ വെളിയിൽനിന്നും വരുത്തുന്നതിനു അവശ്യംവേണ്ടതു യോജിച്ചു പ്രവർത്തിക്കണം. ചൊതുജനങ്ങളും ജനപ്രതിനിധികളും സർവ്വസഹകരണങ്ങളും ചെയ്യാൻ തയ്യാറായി കഴിഞ്ഞിരിക്കുന്നു.

MR. P. S. MUHAMED : ഉദ്യോഗസ്ഥന്മാർ എല്ലാം അടുത്തടുത്ത ബന്ധങ്ങളായിരിക്കണമെന്നാണോ മെമ്പർ അഭിപ്രായപ്പെടുന്നതു്?

MR. K. P. KOCHUKORATHARAKAN : ഈ സന്ദർഭത്തിൽ അവർ രണ്ടുപേരും ഒന്നിച്ചു് ഇരിക്കുന്നതു കണ്ടിട്ടു് വളരെ സന്തോഷമുണ്ടെന്നാണു് പറഞ്ഞതു്. എന്റെ പ്രസംഗം ശരിയായി കേട്ടിരുന്നു എങ്കിൽ ഇപ്രകാരം ഒരു ചോദ്യം ചോദിക്കയില്ലായിരുന്നു. അവരുടെ ബന്ധുത്വത്തെ പറ്റി ഞാൻ യാതൊന്നും പറഞ്ഞില്ല.

തിരുവിതാംകൂറിലെ ചൊതുജനങ്ങളും ജനപ്രതിനിധികളും ഗവണ്മെന്റുമായി ഈ സംഗതിയിൽ പരിപൂർണ്ണമായി സഹകരിക്കണം.

ജനങ്ങളും ഉദ്യോഗസ്ഥന്മാരും ഏകോദനസഹോദരന്മാരെപ്പോലെ പെരുമാറി ഈ സംഗതി മുന്പോട്ടുപോകത്തക്കവണ്ണം ഗവണ്മെന്റു വേണ്ടതുപ്രവർത്തിക്കണമെന്നു ഞാൻ ഉദ്ബോധിപ്പിച്ചുകൊള്ളുന്നു. ആഹാരസാധനങ്ങൾ വർദ്ധിപ്പിക്കുന്നതിനുള്ള നടപടികൾക്ക് താമസം വരണമെന്നോ ദിവസവും വളരെ വിലയുള്ളതാണെന്നും കാലവർഷം ആണു കൃഷിക്കുപറ്റിയ സമയമെന്നും അടുത്തുവരുന്ന കാലവർഷം നമ്മുടെ ആലോചനകളും നടപടികളും പൂർത്തിയാകുന്നതിനെ കാത്തുനിൽക്കയില്ലെന്നും കാലവർഷത്തിനുമുൻപു നാം ചെയ്യാനുള്ളതു ചെയ്യണമെന്നും വീണ്ടും ഓർമ്മപ്പെടുത്തിക്കൊള്ളുന്നു.

MR. THARIATHU KUNJITHOMMEN : (*Murattupucha eum Devicolum*)

ഞാൻ ഈ പ്രമേയത്തെ ബലമായി പിൻതാങ്ങുന്നു. ആഹാരസാധനങ്ങൾ വർദ്ധിപ്പിക്കേണ്ടതിനെ സാബന്ധിച്ചു ചില നിർദ്ദേശങ്ങൾ ഗവണ്മെന്റിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരവാനു ഞാൻ ഉദ്ദേശിക്കുന്നു. പല നാളായി നമ്മുടെ രാജ്യത്തു വലിച്ചുവരുന്ന ജനസംഖ്യയേയും അതിനനുസരണമായി കൃഷി വർദ്ധിക്കാത്തതുകൊണ്ടു സംഭവിക്കാവുന്ന ആഹാര സാധനങ്ങളുടെ ദൈർഘ്യത്തേയും പറ്റി ജനപ്രതിനിധിസഭകൾ വിചിന്തനം ചെയ്തു കൊണ്ടുവരുന്നു. ഇവിടത്തെ പ്രധാനമായ തൊഴിൽ കൃഷിയാണെങ്കിലും ആഹാരസാധനങ്ങളിൽ അധികഭാഗവും പുറത്തുനിന്നാണു വരുന്നതു്. കൃഷി വർദ്ധിപ്പിക്കണമെന്നു പറഞ്ഞാൽ അവിനു സ്ഥലം കൂടാതെ നിവൃത്തിയില്ല. പടിഞ്ഞാറ് അറേബ്യൻ കടലു്, കിഴക്ക് റിസർവു് വനങ്ങളും കർഷകന്റെ ഗതിയെ തടഞ്ഞുകൊണ്ടിരിക്കുന്നു. എന്നാൽ യുദ്ധപരിതസ്ഥിതി വന്നപ്പോൾ വളരെക്കാലമായി നമ്മെ സമീപിച്ചുകൊണ്ടിരുന്ന ആഹാരദൈർഘ്യം വായുവേഗത്തിൽ നമ്മെ അഭിമുഖീകരിച്ചുവരുന്നു. അതിനാൽ വേഗത്തിൽ പരിഹാരം ഉണ്ടാക്കേണ്ടിയിരിക്കുന്നു. നമ്മുടെ രാജ്യം ഇന്ത്യൻ നാട്ടുരാജ്യങ്ങളിൽ വെട്ടു് മുതലെടുപ്പിലും ജനസംഖ്യയിലും മൂന്നാമത്തേതാണ്. എന്നാൽ വിസ്തീർണ്ണതയിൽ മൂന്നാമതു സ്ഥാനമേ നമുക്കുള്ളൂ. മ. ഉ. സെൻറു് വെറു ലാൻഡും ന. ന. സെൻറു് ഡ്രൈ ലാൻറും മാത്രമേ ശരാശരി ഒരാൾക്കുള്ളൂ. മ. ഉ. സെൻറു സ്ഥലത്തു ചെയ്യുന്ന കൃഷികൊണ്ടു ഒരാൾക്കു ആഹാരസമ്പാദനം സാധ്യമല്ല. പരിഷ്കൃതരീതിയിൽ കൃഷി അഭിവൃദ്ധിപ്പെടുത്തുവാൻ കൃഷിഡയറക്ടറും കൃഷിഡിപ്പാർട്ടുമെന്റും ഉദ്യോഗസ്ഥന്മാരും പരിശ്രമിച്ചാലും മ. ഉ. സെൻറു സ്ഥലത്തുള്ള വിളവുകൊണ്ടു് ഒരാൾക്കു് ആഹാരം കഴിക്കുവാൻ കൃഷിനെ സാധിക്കും? അതുകൊണ്ടു് മറ്റു ആഹാരസാധനങ്ങൾ

[Mr. Thariatthu Kunjithommen]

നാം വർദ്ധിപ്പിക്കണം. സവിവോത്തമൻ അവർകൾ പ്രസ്താവിച്ചതു പോലെ മത്സ്യം പ്രധാനമായ ഒരു ആമാംസാധനമാക്കണം. അറേബ്യൻ കടലിൽ നിന്നും ധാരാളമായി മത്സ്യം പിടിക്കാൻ വേണ്ട ഏർപ്പാടുകൾ ചെയ്യണം. ഇപ്പോൾ ഉള്ളതിൽ പത്തോ മുപ്പതോ മടങ്ങ് മത്സ്യവ്യവസായത്തെ വർദ്ധിപ്പിക്കേണ്ടതു് അത്യാവശ്യമാണ്. മത്സ്യം പിടിക്കുന്ന വിഷയത്തിൽ ചെയ്തിട്ടുള്ള നിയന്ത്രണങ്ങൾ എടുത്തുകളഞ്ഞാലും തരക്കടലില്ല. എല്ലാ ജാതിക്കാരെയും മത്സ്യം പിടിക്കാൻ പ്രോത്സാഹിപ്പിക്കണം. അതിന് നല്ല പരിഷ്കൃതസംപ്രദായങ്ങളും ഏർപ്പെടുത്തണം. അല്ലാതെ രാജ്യത്തെ ക്ഷാമത്തിൽ നിന്നു രക്ഷിക്കുവാൻ സാധിക്കുകയില്ല. പ്രകൃതി വളരെ അനുഗ്രഹിച്ചിട്ടുള്ള ഒരു രാജ്യമേണ് തിരുവിതാംകൂർ. ഇവിടെ എന്തു വേണമെങ്കിലും കൃഷി ചെയ്യാം. പലതരത്തിലുള്ള മണ്ണും ശീതോഷ്ണസ്ഥിതിയും ഉണ്ട്. ഇവിടെ റിസർവുവനങ്ങൾ അധികമുണ്ട്. അവയിൽ ഒരു വലിയ ഭാഗം കൃഷിക്കു ഉപയോഗപ്പെടുത്തണം. വനങ്ങളെ പാടെ നശിപ്പിക്കണമെന്നു ഞാൻ പറയുന്നില്ല. ജനവാസസ്ഥലങ്ങൾക്ക് സമീപമുള്ള ചെറുവനങ്ങൾ, ഗ്രാസ്സ് ലാൻറുകൾ ചതുപ്പു നിലങ്ങൾ ഇവ കൃഷിക്കായി ജനങ്ങൾക്കു വീതിച്ചു കൊടുക്കണം. അതിന് വേണ്ട സൗകര്യങ്ങളും അവർക്കു ഗവണ്മെന്റിൽനിന്നും ചെയ്തു കൊടുക്കണം.

MR. D. C. JOSEPH : Has the member any objection if the Council passes a resolution for registering back all the lands which were registered during the last 10 years, by members of the legislature, officials or land-holders.

MR. THARIATHU KUNJITHOMMEN : എന്റെ സംസാരം അവസാനിക്കുമ്പോൾ നന്ദേഹങ്ങളെല്ലാം പരിഹരിക്കപ്പെടും.

ഭൂമി നിശ്ശേഷം ഇല്ലാത്തവർക്കു വേണം ഭൂമികൾ പതിച്ചു കൊടുക്കുവാൻ. അവർ ആ സ്ഥലങ്ങൾ കണ്ടുപിടിക്കാൻ കഴിയാതെ കൃഷി ചെയ്തില്ലെങ്കിൽ സ്ഥലം തിരിച്ചു എടുത്തുകളയുമെന്നുള്ള ഒരു വ്യവസ്ഥയുണ്ടു ചെയ്യണം.

MR. K. P. KOCHUKORA THARAKAN : അശേഷം ഭൂമിയില്ലാത്ത ആളുകൾക്ക് എല്ലാവർക്കും ഒരേക്കർ, രണ്ടേക്കർ ഇങ്ങനെ കൊടുക്കുവാൻ സാധിക്കുമോ?

MR. THARIATHU KUNJITHOMMEN : എന്റെ പ്രസംഗം അവസാനിക്കുമ്പോൾ അതെല്ലാം വ്യക്തമാക്കാം. ഞാൻ പറഞ്ഞതു് കഴുതിപ്പോ

ലെ ഒരുമിച്ചു ആളുകൾ താമസിച്ച് കൃഷിചെയ്യാൻ വേണ്ട സൗകര്യങ്ങൾ ചെയ്തുകൊടുക്കണമെന്നാണ്. ജനവാസമുള്ള സ്ഥലങ്ങൾക്ക് സമീപവും ആളുകളുടേയും റോഡുകളുടേയും ന.മീ.പത്തുള്ള വനങ്ങളിൽ നിന്നും ഭൂമി കൃഷിക്കു നൽകണം. വെറുലാൻറകൾ മാത്രമല്ല മരച്ചീനി, വാഴ, ചേന, ചേമ്പൂ, ചാമ, മുതിര, പയറ്റ് മുതലായ മറ്റു ആഹാരസാധനങ്ങളും കൃഷിചെയ്യാൻ കൊള്ളാവുന്ന ഡ്രൈലാൻഡും കൃഷിക്കു കൊടുക്കണം. ദേവികളും മുതലായ സ്ഥലങ്ങളിൽ ഉരുളക്കിഴങ്ങ്, ടൂമാറ്റോസ് ഇവകൾ കൃഷി ചെയ്യാൻ സാധിക്കും. നമ്മുടെ ധർമ്മരാജ്യത്ത് എല്ലാത്തരം കൃഷിക്കും പറ്റിയ ഭൂമിയുണ്ടെന്നുള്ള ഇശ്ശാപരദത്തമായ ഒരു വലിയ അനുഗ്രഹം നമുക്കുണ്ട്. അതിനെ നാം ഉപയോഗപ്പെടുത്തണം. ഒരു സെൻറർ സ്ഥലംപോലും വെറുതെ കിടക്കാതെ കൃഷി ചെയ്യാൻ വേണ്ട നടപടികൾ ഗവണ്മെൻറ് ഉടനടി ചെയ്യണം. ഇതിലേയ്ക്കു വേണ്ടി പ്രത്യേകം ഉദ്യോഗസ്ഥന്മാരെ ചുമതലപ്പെടുത്തണം. അതിന്റെ പ്രവർത്തനത്തിനായി ഗവണ്മെൻറ് ഉദ്യോഗസ്ഥന്മാരും ജനപ്രതിനിധികളും ചേർന്നു ഒരു കമ്മിറ്റി ഉണ്ടാക്കണം. അവർ അതിനെപ്പറ്റി അന്വേഷിക്കണം. പ്രത്യേക വ്യവസ്ഥയിന്മേൽ കരം കൂടാതെ തന്നെ സാധുക്കൾക്ക് കൃഷിചെയ്യാൻ സ്ഥലങ്ങൾ പതിച്ചുകൊടുക്കണം. കൃഷി ചെയ്യുന്നതിനു കുറെ സംഗ്രഹിച്ചിട്ടു വേണമെങ്കിൽ അവർക്ക് മുൻപേർ കൊടുക്കണം. അടുത്ത വർഷാരംഭത്തിൽ ഒരു സെൻറർ ഭൂമിപോലും വെറുതെ ഇടാതെ കൃഷി ചെയ്യാൻ വേണ്ട ഏർപ്പാടുകൾ ചെയ്യണം. ഏതതെങ്കിലും ചേന, ചേമ്പൂ, മരച്ചീനി, നെല്ല് ഇവകൾ എല്ലാം ഭക്ഷിച്ചു നമുക്ക് ജീവസന്ധാരണം ചെയ്യാൻ കഴിയും. ഗവണ്മെൻറിനു വളരെ തുക മുടക്കി മുൻകൂട്ടി ആഹാരസാധനങ്ങൾ വാങ്ങി സംഭരിക്കാൻ പ്രയാസമുണ്ട്. രാജഭരണക്കു മുന്നുകോടി രൂപയുടെ നെല്ലും അരിയും വാങ്ങണം. അതു മുൻകൂട്ടി വാങ്ങിവയ്ക്കാൻ എങ്ങിനെ സാധിക്കും? നമ്മുടെ സ്ഥലത്ത് ആഹാരസാധനങ്ങൾ വിളയിക്കുവാൻ മിന്നൽവേഗത്തിൽ വേണ്ട ഏർപ്പാടുകൾ ചെയ്യണം. അല്ലെങ്കിൽ പല തരത്തിലുള്ള കഷ്ടപ്പാടുകളും പരസ്പരം പിടിച്ചുപറിയും ബഹളങ്ങളും ഉണ്ടായേക്കാം. കഷ്ടതകൂടാതെ ജീവിക്കുന്ന ആളുകളെ സമാധാനമായി ജീവിക്കുവാൻ മറ്റുള്ളവർ അനുവദിക്കുകയില്ല. ബഹുമാനപ്പെട്ട പതിവുപോലെ അരി ലഭ്യമല്ല. മണ്ണും ധാരാളമായി പിടിക്കുവാൻ ഉടനെ ഏർപ്പാടുചെയ്യണം. അവ ചീത്തയാക്കാതെ സൂക്ഷിക്കുവാൻ കോർഡ് സ്റ്റോറേജ് മുതലായ ഉപകരണങ്ങൾ ഉണ്ടാക്കണം. ദുരന്തയച്ചു വില്പിക്കാനും വേണ്ടതു ചെയ്യണം. മണ്ണും പിടിക്കുന്നതിനുള്ള നിയന്ത്രണങ്ങൾ മറ്റു കാര്യം കരം ഒഴിവാക്കു

[Mr. Thariathu Kunjithommen]

കയും നാനാജാതിമതസ്ഥരേയും മത്സ്യം പിടിക്കുവാൻ പ്രേരിപ്പിക്കുകയും ചെയ്യണമെന്നു വീണ്ടും പറയുന്നു. മരച്ചീനിക്കൃഷി കൂടുതൽ വ്യാപിപ്പിക്കണം. കരം ഒഴിവാക്കുകയും കരക്കുടിശിഖയുള്ള നടപടികൾ നിർമ്മിക്കുകയും ചെയ്യുകയും വേണം. ഇവയെല്ലാം ഉടൻതന്നെ ചെയ്യേണ്ടതാണ്. ഇവയെല്ലാം മിന്നൽവേഗത്തിൽ തുടങ്ങിയാൽ ക്ഷാമബാധയിൽ നിന്ന് നമുക്ക് രക്ഷ നേടാം. സ്വാമി ഏരിയാകൾ മുഴുവൻ കൃഷിക്കായി ഗവണ്മെന്റിൽ നിന്നും എത്രയും വേഗം സാധുക്കൾക്കു കൊടുക്കണം. ഈ നാട്ടിൽ കാട്ടുജാതിക്കാരായി ഏകദേശം ൨,൦,൦൦൦ ജനങ്ങൾ ഉണ്ട്. അവരെക്കൊണ്ടു ചെറിയ കാടുകൾ നന്നാക്കി കൃഷിക്ക് ഉപയോഗപ്പെടുത്തണം. ഈ സംഗതികളെല്ലാം വളരെ വേഗത്തിൽ ചെയ്യാതെപക്ഷം രാജ്യം പട്ടിണിയിൽ ആണ്ടുപോകും. ഈ നൂറ് പിരിയുന്നതിനു മുമ്പുതന്നെ കമ്മിറ്റി ഏർപ്പെടുത്തിയും മറ്റും ആരംഭം ഇട്ടാൽ കൊള്ളാമെന്നാണ് എന്റെ പക്ഷം. നമ്മേ ഓരിഭൂമിയിൽ അതിവേഗത്തിൽ ആക്രമിക്കുന്നു. മിന്നൽവേഗത്തിൽ നാം വേണ്ട രക്ഷാമാർഗ്ഗങ്ങൾ നോക്കിയേ കഴിയൂ. അസാധാരണമായ ഈ പരിതസ്ഥിതിയിൽ ഈ കാര്യങ്ങളിൽ ഗവണ്മെന്റ് പ്രത്യേകം ശ്രദ്ധിക്കണമെന്ന് ശക്തിയായി ഉദ്ബോധിപ്പിച്ചുകൊണ്ട് ഞാൻ വിരമിച്ചുകൊള്ളുന്നു.

SADASYATILAKA T. K. VELU PILLAI: Sir, I also support the resolution which was very ably moved with very sound reasons by my friend Mr. G. Velu Pillai. The picture formed by Mr. Kunjithommen of disputes and quarrels created by starvation makes one shudder. From the vehemence with which Mr. Kunjithommen put the case it appears that there is a war of all kinds because food is not adequately provided for. There is considerable force in that apprehension and it will continue unless Government intervenes in right time and prevent a catastrophe. Mr. Parameswaran Pillai speaking on behalf of Government said that every effort is being made to import paddy to meet our requirements in these troubled times. We are grateful to Government for bringing about arrangements of that kind in order to meet a portion of the demand made out by my friend Mr. Velu Pillai. His resolution contemplates not only to import paddy to meet sudden emergencies but also the production of sufficient paddy and other food stuffs in our own State. For this purpose, Sir, I beg to say and I am quite in order when I say that in spite of efforts made by us, on this side of the House, the generations of non-officials, to induce Government to take up this question of production of paddy and other food-stuffs which would ensure to our advantage, we hear of a large number of other schemes being initiated by Government. In the year 1931, I myself advocated to initiate a particular scheme and it has taken so many

years to take shape. There is, for instance, the minor irrigation schemes. There is the Chittar scheme about which my friend Mr. T. C. Kesava Pillai is an expert. He lives and moves in the idea of making it a possibility. It will make Vilavancode productive. But all our cries towards such lines have been in the wilderness. Some officer of Government who happened to be influential at the time, who was able to put his case before Government with a militant self confidence and ventured to argue with Government that the development of such a scheme will end in futility in spite of hard work turned out by him such things have wrought havoc to our crowning efforts. When some times men shirk their responsibilities in the matter of discharging such a large scheme, when an officer of Government doubts about the utility of a scheme, he makes a report to that effect. To me it appears that this is the way in which such useful schemes have been shelved. I heard my friends Messrs. Kunjithommen and Kochukora Tharakan saying that there are people who own extensive lands and allow them to remain uncultivated. I urge that steps may be taken to bring them under cultivation. The real difficulty in this matter is this. Eighty or ninety years ago when the hills were yet unopen in this country, when capital was shy and labour scarce, when the hilly regions were inaccessible to civilian occupation, when those parts were subjected to bestial ferocity, people from the plains could never entertain the idea of migration. It was at that time, that rich, influential and hardworking Companies came upon the scene. They made the land habitable for civil occupation. They turned the wilderness into smiling towns and factories and estates. They were also allowed to register and keep for themselves extensive tracts which they could not bring under cultivation. I make no reflection on them. Far from me to suggest that. The point that I want to emphasise is that these companies should be persuaded to bring lands in these extensive areas into cultivation, put them under potatoes, tomatoes, beans, etc., so that at this time of economic danger, these companies may make a profit for themselves and at the same time supply the real wants of this country. This is a matter which has to engage the serious attention of Government.

MR. K. R. NARAYANA AIYAR : Sir the debate on this very important resolution moved by my friend Mr. G. Velu Pillai has covered a very wide range indeed. It started with the fragmentation of holdings the appointment of certain Committees for the organisation of food supplies, the improvement of irrigation tanks, the innutritioned nature of tapioca and so on and so forth. During the time at my disposal I propose to deal with the central theme of the resolution.

Before doing so, as the Hon. Member, the Chief Secretary to Government said on the floor of the House just a while ago, I take leave to assure the Hon. members that Government are in full sympathy with the spirit underlying the resolution. They are in absolute concurrence with the ideas and sentiments which have been expressed on the floor of the House.

[Mr. K. R. Narayana Aiyar.]

Before dealing with the various aspects of the question that have been raised during the course of the debate, I want to utilise this opportunity to acquaint the honourable members of this House with our present position in regard to our food supplies. Rice, is of course the most important of our food crops. Its estimated production on the existing acreage of 653000 acres and reckoning on an average yield of nearly 1000 lbs per acre is 59,30,000 Cwts. Our normal average annual import of rice from Burma and Akyab, which is no more available to us, is about 59,20,000 Cwts. The quantity of rice required for local consumption every year is 117,50,000 Cwts. Assuming that the adult population of this State will be about 55 lakhs, the per capita consumption per annum is 240 lbs. of rice. From the figures that I have given it will be quite clear and definite that for nearly 50 per cent or for 120 lbs of rice per capita we have been depending upon Burma, Akyab and other places. Now what is our position in regard to tapioca? The estimated annual production of tapioca on an acreage of 438000 acres reckoning an average yield of 30 Cwts per acre is 131,40,000 Cwts. The per capita consumption per annum works out to 260 lbs. approximately. So that our position with regard to the food requirements is that we want normally and on a rough estimate 240 lbs. of rice and 260 lbs. of tapioca per head per annum. Of this 120 lbs. of rice used to be imported from outside.

How to meet this deficit? Is the situation so alarming? What are the methods by which the problem can be tackled? These are the questions which are to be considered. I have bestowed a good deal of thought on this subject and I hasten to assure the honourable Members that there is no need for any alarm. I put the situation in this way. Is there any possibility of extending the area under cultivation in Travancore to any tangible extent knowing as we do that we have only a limited area and that our population is one of the densest that we can possibly think of? I shall suggest certain proposals by which it would be possible for us to meet this deficit. The Department of Agriculture has carried on a large number of experiments spread over a number of years and I can say with a great degree of emphasis that it will be possible to increase the yield of our paddy lands at least by 40 per cent. Mr. T. K. Velu Pillai has said that we are following a process of continued cultivation without making any attempt to replenish the loss of the fertility ingredients of the soil for years together. No wonder our yield is very poor. This applies equally to tapioca. By the application of scientific manures and by the use of improved seeds, we can secure an increase of 40 per cent. in yield. Then with regard to Kuttanad. As some Honourable Members said on the floor of the House, that out of 1,30,000 acres practically one half is allowed to remain fallow. These lands are allowed to be cultivated only once in two years. Honourable Members are aware that with the inauguration of the Pallivasal hydro electric project and the extension of the scheme to Kuttanad it is the intention

of Government to bring all these lands under annual cultivation. In this connection I wish also to point out that the Economic Development Board appointed a special Committee to go into the question. That Committee spent a good deal of its time in the locality and came to the conclusion that it would be possible by the annual cultivation of these areas to get at least another 40 lakhs of paras of paddy.

Reference was made here by one honourable member to the possibility of making all the single crop lands in Northern Travancore adjoining Periyar river into double crop lands, and thus making it possible for an additional 25 lakhs of paras of paddy per annum by lift irrigation utilising the water from the Periyar river. That will give us another 3 lakhs of Cwts. of rice. I do not mean to say for a moment, as the honourable member Mr. Kunjithommen said, that before the House rose for the day it would be possible for the Department of Agriculture to produce all this deficit. All the same, the Government are keenly alive to the situation. I would also like to say in this connection that the yield of tapioca in Travancore is also very poor.

By scientific cultivation it will be possible to increase the yield at least by 50 per cent. so that with intensive cultivation of rice and tapioca it would be possible for us to produce within Travancore, instead of 240 lbs. of rice and 260 lbs. of tapioca per capita per annum, 180 lbs. of rice and 390 lbs. of tapioca. The situation is not therefore alarming as it has been envisaged here. Honourable members may ask "Are you going to meet the situation to-day? Will it be possible to solve at present the problem of food in this country?" I can answer these questions straight away. During the debate on the floor of this House, a few honourable members referred to the question of the desirability of exploiting the fish resources of the State. Out of a total production of about 20 lakhs of cwts. of fish we used to export about 6 lakhs to Burma, Ceylon and other places. Those markets are now practically closed to us. So, here is an opportunity of the surplus quantity remaining which has been utilised for augmenting our food supply.

Another point which I want to stress, as was raised in a sub-leader of a recent issue of the "Hindu" is that if every effort is made to produce a small plot of vegetable garden in every home in our country, it will go a great way in augmenting our food production. Sir, there is no doubt that this is a very serious situation and I would make a special appeal to the members to give up their roses and crotons for the time being and to cultivate instead, vegetables of approved nutritive value. With the increase in the output of vegetables and with the increase in the production of paddy and tapioca and also by the adoption of a fully balanced diet, I am confident that we could tide over the present crisis, provided we have sufficient earnestness and co-operation to bring our schemes into fruition. I have discussed the question of extensive cultivation with my honourable friend the Conservator of Forests and he has agreed with many of the propositions that I have put before him and I am thankful to him for that. And I may say that out of the Ezbukone reserve and Thonnakkal Reserve, he has already

[Mr. K. R. Narayana Aiyar.]

placed at my disposal about 300 acres of land, and I have already made arrangements through Co-operative Societies to plant up these areas with tapioca. Thus an additional increase in the yield of tapioca can be obtained by expanding this scheme. The Conservator of Forests is in full sympathy with the aspirations of the House and he says that he is prepared to give on lease for a short period of time during the period of war as an emergency measure even select swampy areas within the Reserve Forests for paddy cultivation, on the distinct understanding that there will be no infiltration into the Reserve Forests. I should state that indiscriminate disafforestation is ruinous. Unless our forest are maintained intact rain water cannot percolate to the underground springs which feed our rivers. If we want to avoid the occurrence of floods and the enormous loss on account of erosion of the soil we must maintain our forests in tact. Honourable member Mr. T. K. Velu Pillai also stressed this point very ably. The Conservator has kindly agreed to even the removal of green manure:

MR. M. R. NARAYANA PILLAI: Is it an arrangement between the Director of Agriculture and the Conservator of Forests?

MR. K. R. NARAYANA AIYAR: I am speaking on behalf of Government. The Conservator has said that he will give permission to the cultivators to remove green manure as a temporary measure. This will also tend to enhance the production of paddy. So all these ideas which have been indicated in the resolution and to which reference has been made during the course of the debate are already in the mind of the Government and they are being acted upon as far as possible.

Sir, reference was also made in the course of the debate that large tracts of lands are being owned by influential people and the Edavagais which are not fully cultivated and such lands should be apportioned to those who can cultivate it. In this connection, I should like to remind the House of the admirable speech delivered by the Dewan at the Press Conference held on the 5th March 1942 at Bhaktivilas. This is what he stated :—

“ Very strong penal provisions will have to be undertaken if this appeal is not properly heeded and no respect for person will be kept in mind. Whether they are Edavagai holders or whether they are large estate holders, those who do not put every square inch of land to the utmost possible use will be punished and penalised. That is the programme and I am making a fairly definite statement to that effect ; and I hope that my appeal will reach a wider audience”.

From this it can be seen that Government are very keenly alive to the situation and every possible effort will be made to augment the production of food crops in the State.

During the course of the debate it was stated that it might not be possible to get hereafter rice or paddy from British India. I believe that it was Mr. Dominic Joseph who made that statement. As a result of the recent negotiations made by the Dewan during his visit to Delhi, the Government of India have agreed to consent to dispose of the surplus

production in a particular Province in such a manner as to meet the demands of any other province where there is a deficit. As a matter of fact a Conference has been called to be held at Delhi early in April at the instance of the Government of India and in that Conference the whole question will be discussed. As the Chief Secretary has rightly stated, Government have already taken the necessary steps to stock an adequate quantity of rice and paddy. The harvest is just over and for our immediate requirements of rice there will not be any great difficulty. Government have stocked sufficient rice to safeguard against any impending shortage. Moreover, with the inauguration of the new schemes which Government have in mind, and in view of what the Dewan has stated during the Press Conference with regard to lands lying idle I hope the situation can be more or less satisfactorily handled. I request therefore the honourable mover of the resolution to withdraw his motion. In this connection I solicit the hearty co-operation of all the honourable members of this House and through them their constituency in the Government's effort to meet the dire situation. If this is assured, there is no cause for any alarm or dismay.

MR. G. VELU PILLAI: Sir, I don't press the motion.

The motion by leave of the House was withdrawn.

ANNOUNCEMENT REGARDING ELECTIONS TO THE ECONOMIC DEVELOPMENT BOARD.

DEPUTY PRESIDENT: Before the House adjourns I should like to announce to the honourable members the result of the elections which was conducted this afternoon under the presidency of Mr. Puliyoor T. P. Velayudhan Pillai.

Mr. Dominic Joseph secured 23 votes, Mr. Puliyoor T. P. Velayudhan Pillai, 19 votes, Mr. K. R. Narayanan, 19 votes Mr. P. Narayana Pillai, 17, Sri. T. Narayani Amma, 16 and Mr. N. Narayana Kurup, 16.

These are the six who secured the largest number of votes and their names will be submitted to Government for being elected as members of the Economic Development Board.

The House will now adjourn *sine die*.

Trivandrum.

V. S. ARUMUKHOM PILLAI,

Secretary to the Sri Mulam Assembly.

Annexure I.

MINUTES OF THE MEETING OF THE STANDING FINANCE COMMITTEE HELD ON THE 1st DECEMBER 1941.

The first meeting of the Standing Finance Committee of the Sri Chitra State Council and the Sri Mulam Assembly constituted for 1117 M. E., was held in the Chief Secretary's room, Public Offices, at 12 noon on Monday, the 1st December 1941. M. R. Ry. Rajyaseva-pravina G. Parameswaran Pillai Avl., B. A., B. L., Ag. Chief Secretary to Government, presided under authorisation from the Dewan.

The following members were present:—

1. Sahib Bahadur T. Mahomed Ismail, B. A., LL. B., Member, Sri Chitra State Council.
2. M. R. Ry. M. R. Narayana Pillai Avl., Barrister-at-Law, Member, Sri Mulam Assembly.
3. M. R. Ry. Varkala K. Madhavan Avl., B. A., B. L., Member, Sri Mulam Assembly.
4. M. R. Ry. A. Lakshminarayana Ayyar Avl., B. A., Financial Secretary to Government.
5. M. R. Ry. C. P. Gopala Panickar Avl., B. A., B. L., Ag. Secretary to Government.

1. *Demand II—Income Tax.* The Committee approved the proposal to provide an additional allotment of Rs. 367 under 'Contingencies' under the budget head 7 (b)—Taxes on Income, for the purpose of payment of arrears of rent.

2. *Demand V—Registration.* Before taking up the proposal for providing an allotment of Rs. 700 under Demand V—Registration—for appointing a temporary staff to go into the question of revising the Stamp and Registration Acts, the Chief Secretary stated that the proposal needed re-examination and that therefore the matter would be brought up later on.

3. *Demand VII.—Public Works Department.* The proposal to provide a sum of Rs. 5,125 for the purpose of meeting the T. A. claims of the members of the sub-committee of the P. W. D. Advisory Committee for touring work done in 1116 and for enhancing the current year's provision of Rs. 3,750 was next considered. The Executive Engineer in charge of the Chief Engineer's duties, who was called in, explained in detail the necessity for the additional allotment. The non-official members suggested that an attempt might be made to reduce the expenditure on account of the touring work of the sub-committees in future by regulating the tours according to a programme drawn up by the Chief Engineer. The Committee agreed in this view. There-upon the proposal was approved and the provision of the sum of Rs. 5,125 was agreed to by the Committee.

4. *Demand XV—Central Prison.* The Committee next examined the proposal to provide a sum of Rs. 378 for the appointment of an additional staff of 10 warders and 1 head warder in the Central Prison, and agreed to the provision of the amount.

5. *Demand XX—Agricultural Department.* The Committee next considered the proposal for an additional allotment of Rs. 6,140 under Demand XX—Agricultural Department—for working the following schemes financed by the Imperial Council of Agricultural Research, New Delhi :—

	Rs.
(1) Village Projects ...	1,680
(2) Milk Recording Scheme ...	308
(3) Extension of the scheme of research on the root and leaf diseases of the cocoanut palm in South India ...	4,152
Total ...	6,140

At the request of the members of the Committee, the Director of Agriculture, who was called in, explained in detail the objects of the schemes. The Committee thereupon agreed to the provision of Rs. 6,140 for working the three schemes mentioned above.

6. *Demand XXII—Co operative Department.* The proposal to provide an amount of Rs. 1,400 as an additional grant under the budget of the Co-operative Department for defraying the expenses under T. A. and D. A. of the non-official members of the Advisory Committee for the rehabilitation of the co-operative movement in the State, was next considered by the Committee. Messrs. M. R. Narayana Pillai and T. Mahomed Ismail pointed out that so far as members of the Committee who represented co-operative institutions were concerned, the institutions which they represented gave their expenses and stated that in the case of such members the Government need not pay anything more. The Registrar, who was present at the meeting, promised to look into the matter. Thereupon the Committee approved the proposal and agreed to the provision of Rs. 1,400.

7. *Demand XXXI—Miscellaneous.* The Committee next examined and approved the proposal to contribute a further sum of Rs. 1 lakh towards the Distress Relief Fund.

The statement of expenditure (relating to the budget for 1116) authorised by Government under Section 32 of the Legislative Reforms Act, after the statement was laid before the Legislature in the last budget session, was distributed to the members of the Committee.

The Committee adjourned at 12-40 P. M.

C. P. GOPALA PANICKAR,
Secretary to Government and Convener,
Standing Finance Committee.

Annexure II.

This Bill was passed by the Sri Chitra State Council on the 15th August 1941 subject to the following amendment:—

In Clause 1 (1), substitute the figure '1117' for the figure '111'.

V. S. ARUMUKHOM PILLAY,
Secretary to the Sri Chitra State Council.

THE TRAVANCORE TRADE MARKS BILL.

(As revised by the Select Committee.)

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THE TRAVANCORE TRADE MARKS BILL.

*(As revised by the Select Committee).*AN ACT TO PROVIDE FOR THE REGISTRATION AND MORE
EFFECTIVE PROTECTION OF TRADE MARKS.

Whereas it is expedient to provide for the registration and more effective protection of trade marks:

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Travancore Trade Marks Act,
111.

Short title, extent
and commencement.

- (2) It extends to the whole of Travancore.

(3) This section and Section 80 shall come into force at once; the remaining provisions of the Act shall come into force on such date as Our Government may, by notification in Our Government Gazette, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context:—

Definitions.

(a) "associated trade marks" means trade marks deemed to be, or required to be, registered as associated trade marks under this Act:

(b) "certification trade mark" means a mark adapted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not so certified and registrable as such under the provisions of Chapter VIII in respect of those goods in the name, as proprietor of the certification trade mark, of that person:

- (c) "limitations" (with its grammatical variations) means any limitations of the exclusive right to the use of a trade mark given by the registration of a person as proprietor thereof, including limitations of that right as to mode of use, as to use in relation to goods to be sold or otherwise traded in within Travancore, or as to use in relation to goods to be exported to any market outside Travancore :
- (d) "mark" includes a device, brand, heading, label, ticket, name, signature, word, letter or numeral or any combination thereof :
- (e) "permitted use" means the use of a trade mark by a registered user thereof in relation to goods with which he is connected in the course of trade and in respect of which for the time being the trade mark remains registered and he is registered as a registered user, being use such as to comply with any conditions or restrictions to which his registration is subject :
- (f) "prescribed" means prescribed by rules made, in relation to proceedings before the High Court, by the High Court, and in other cases, by Our Government :
- (g) "registered" (with its grammatical variations) means registered under this Act ;
- (h) "registered trade mark" means a trade mark which is actually on the register :
- (i) "registered user" means a person who is for the time being registered as such under Section 41 :
- (j) "trade mark" means a mark used or proposed to be used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade between the goods and some person having the right, either as proprietor or as registered user, to use the mark whether with or without any indication of the identity of that person.
- (k) "transmission" means transmission by operation of law, devolution on the personal representative of a deceased person and any other mode of transfers, not being assignment ;
- (l) "tribunal" means the Registrar or, as the case may be, the Court before which the proceeding concerned is pending.
- (2) References in this Act to the use of a mark shall be construed as references to the use of a printed or other visual representation of the mark, and references herein to the use of a mark in relation to goods shall be construed as references to the use thereof upon, or in any other relation whatsoever to such goods.

3. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Application of other laws not barred.

CHAPTER II.

THE REGISTER AND CONDITIONS FOR REGISTRATION.

4. (1) For the purposes of this Act there shall be established at the Patent Office a Trade Mark Registry, and a record called the Register of Trade Marks (in this Act referred to as the register) shall be kept thereat wherein shall be entered all registered trade marks with the names, addresses and descriptions of their proprietors, notifications of assignments and transmissions, the names, addresses and descriptions of registered users, disclaimers, conditions, limitations and such other matters relating to registered trade marks as may be prescribed, but there shall not be entered in the register any notice of any trust express, implied or constructive, nor shall any such notice be receivable by the Registrar.

(2) Subject to the superintendence and direction of Our Government, the register shall be kept under the control and management of the Controller of Patents and Designs, who shall for the purposes of this Act be called the Registrar of Trade Marks and is in this Act referred to as the Registrar.

(3) The register shall at all convenient times be open to the inspection of the public, subject to such conditions and restrictions as may be prescribed.

5. (1) A trade mark may be registered only in respect of particular goods or classes of goods.

Registration to be in respect of particular goods.

(2) Any question arising as to the class within which any goods fall shall be determined by the Registrar whose decision in the matter shall be final.

6. (1) A trade mark shall not be registered unless it contains or consists of at least one of the following essential particulars, namely:—

Distinctiveness requisite for registration.

- (a) the name of a company, individual, or firm, represented in a special or particular manner;
- (b) the signature of the applicant for registration or some predecessor in his business;
- (c) one or more invented words;
- (d) one or more words having no direct reference to the character or quality of the goods, and not being, according to its ordinary signification, a geographical name or surname or the name of a sect, caste or tribe in India;

(c) any other distinctive mark, provided that a name, signature, or any word, other than such as fall within the descriptions in the above clauses, shall not be registrable except upon evidence of its distinctiveness.

(2) For the purposes of this section, the expression "distinctive" means adapted, in relation to the goods in respect of which a trade mark is proposed to be registered, to distinguish goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is proposed to be registered subject to limitations, in relation to use within the extent of the registration.

(3) In determining whether a trade mark is adapted to distinguish as aforesaid, the tribunal may have regard to the extent to which:—

- (a) the trade mark is inherently so adapted to distinguish, and
- (b) by reason of the use of the trade mark or of any other circumstances, the trade mark is in fact so adapted to distinguish:

Provided that in the case of a trade mark which has been continuously used (either by the applicant for registration or by some predecessor in his business, and either in its original form or with additions or alterations not substantially affecting its identity) in relation to the same goods as those in relation to which registration is applied for, during a period from a date prior to the 1st Chingom 1114 to the date of application for registration, the Registrar shall not refuse registration by reason only of the fact that the trade mark is not adapted to distinguish as aforesaid, and may accept evidence of acquired distinctiveness as entitling the trade mark to registration.

7. (1) A trade mark may be limited wholly or in part to one or more specified colours, and any such limitation shall be taken into consideration by any tribunal having to decide on the distinctive character of the trade mark.

(2) So far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours.

8. No trade mark nor part of a trade mark shall be registered which consists of, or contains, any scandalous design, or any matter the use of which would,—

Prohibition of registration of certain matters:

- (a) by reason of its being likely to deceive or to cause confusion or otherwise, be disentitled to protection in a Court of justice, or
- (b) be likely to hurt the religious susceptibilities of any class of His Highness the Maharaja's subjects, or
- (c) be contrary to any law for the time being in force or to morality.

9. No word which is the commonly used and accepted name of any single chemical element or single chemical compound (as distinguished from a mixture) shall be registered as a trade mark in respect of a chemical substance or preparation, and any such registration shall, notwithstanding anything in Section 24, be deemed for the purposes of Section 46 to be an entry made in the register without sufficient cause or an entry wrongly remaining on the register, as the circumstances may require:

Use of names of chemical elements barred.

Provided that this section shall not apply to a word which is used to denote only a brand or make of the element or compound as made by the proprietor or a registered user of the trade mark, as distinguished from the element or compound as made by others, and in association with a suitable name or description open to the public use.

10. (1) Save as provided in sub-section (2), no trade mark shall be registered in respect of any goods or description of goods which is identical with a trade mark belonging to a different proprietor and already on the register in respect of the same goods or description of goods, or which so nearly resembles such trade mark as to be likely to deceive or cause confusion.

Prohibition of registration of identical or similar trade mark.

(2) In case of honest concurrent use or of other special circumstances which, in the opinion of the Registrar, make it proper so to do he may permit the registration by more than one proprietor of trade marks which are identical or nearly resemble each other in respect of the same goods or description of goods, subject to such conditions and limitations, if any, as the Registrar may think fit to impose.

(3) Where separate applications are made by different persons to be registered as proprietors respectively of trade marks which are identical or nearly resemble each other, in respect of the same goods or description of goods, the Registrar may refuse to register any of them until their rights have been determined by a competent Court.

11. (1) Where the proprietor of a trade mark claims to be entitled to the exclusive use of any part thereof separately, he may apply to register the whole and the part as separate trade marks.

Registration of parts of trade marks and of trade marks as a series.

(2) Each such separate trade mark shall satisfy all the conditions applying to, and have all the incidents of, an independent trade mark.

(3) Where a person claiming to be the proprietor of several trade marks in respect of the same goods or description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of—

- (a) statements of the goods in relation to which they are respectively used or proposed to be used; or
- (b) statements of number, price quality, or names of places; or
- (c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or
- (d) colour;

seeks to register those trade marks, they may be registered as a series in one registration.

12. (1) Where a trade mark which is registered, or is the subject of an application for registration, in respect of any goods is identical with another trade mark which is registered, or is the subject of an application for registration, in the name of the same proprietor in respect of the same goods or description of goods, or so nearly resembles it as to be likely to deceive or cause confusion if used by a person other than the proprietor, the Registrar may at any time require that the trade marks shall be entered on the register as associated trade marks.

Associated trade marks.

(2) Where a trade mark and any part thereof are, in accordance with the provisions of sub-section (1) of Section 11 registered as separate trade marks in the name of the same proprietor, they shall be deemed to be, and shall be registered as, associated trade marks.

(3) All trade marks registered in accordance with the provisions of sub-section (3) of Section 11 as a series in one registration shall be deemed to be, and shall be registered as, associated trade marks.

(4) On application made in the prescribed manner by the registered proprietor of two or more trade marks registered as associated trade marks, the Registrar may dissolve the association as respects any of them if he is satisfied that there would be no likelihood of deception or confusion being caused if that trade mark were used by any other person in relation to any of the goods in respect of which it is registered, and may amend the register accordingly.

13. If a trade mark contains—

(a) any part not separately registered as a trade mark in the name of the proprietor, or for the separate registration of which no application has been made; or

Registration subject to disclaimer.

(b) any matter common to the trade, or otherwise of a non-distinctive character,

the tribunal, in deciding whether the trade mark shall be entered or shall remain on the register, may require, as a condition of its being on the register, that the proprietor shall either disclaim any right to the exclusive use of such part or of all or any portion of such matter, as the case may be, to the exclusive use of which the tribunal holds him

not to be entitled, or make such other disclaimer as the tribunal may consider necessary for the purpose of defining the rights of the proprietor under the registration:

Provided that no disclaimer shall effect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

CHAPTER III.

PROCEDURE FOR AND DURATION OF REGISTRATION.

14. (1) Any person claiming to be the proprietor of a trade mark used or proposed to be used by him who is desirous of registering it shall apply in writing to the Registrar in the prescribed manner, and subject to the provisions of this Act, the Registrar may refuse the application or may accept it absolutely or subject to such amendments, modifications, conditions or limitations, if any, as he may think fit.

(2) In the case of a refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving thereat.

(3) The tribunal may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as it may think fit.

15. (1) When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions or limitations, the Registrar shall, as soon as may be after acceptance, cause the application as accepted, together with the conditions and limitations, if any, subject to which it has been accepted, to be advertised in the prescribed manner:

Provided that the Registrar may cause an application to be advertised before acceptance if it relates to a trade mark to which clause (e) of sub-section (1) of Section 6 applies, or in any other case where it appears to him that it is expedient by reason of any exceptional circumstances so to do, and where an application has been so advertised the Registrar may, if he thinks fit, advertise it again when it has been accepted, but shall not be bound so to do.

(2) Any person may, within the prescribed time from the date of the advertisement of an application, give notice in writing in the prescribed manner to the Registrar of opposition to the registration.

(3) The Registrar shall serve in the prescribed manner a copy of the notice on the applicant, and within the prescribed time the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.

(4) If the applicant sends such counter-statement, the Registrar shall serve in the prescribed manner a copy thereof on the persons giving notice of opposition, and shall, after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions or limitations, if any, registration is to be permitted.

(5) If a person giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such notice, or an appellant against any order of the Registrar under Section 14 or this section, neither resides nor carries on business in Travancore, the tribunal may require him to give security for costs of the proceedings before it, and in default of such security being duly given may treat the opposition or application or appeal, as the case may be, as abandoned.

16. (1) When an application for registration of a trade mark has been accepted and either has not been opposed, and the time for notice of opposition has expired, or having been opposed, has been decided in favour of the applicant, the Registrar shall, unless the application has been accepted in error, or unless Our Government otherwise directs, register the said trade mark, and the trade mark, when registered, shall be registered as of the date of the making of the said application, and that date shall, subject to any directions made under Section 78 applicable to such trade mark, be deemed for the purposes of this Act to be the date of registration.

(2) On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration thereof sealed with the seal of the Patent Office.

(3) Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice to the applicant in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in the notice.

17. (1) Save as provided in sub-section (2), nothing in this Act shall authorise the registration of two or more persons who use a trade mark independently, or propose so to use it, as joint proprietors thereof.

(2) Where the relations between two or more persons interested in a trade mark are such that no one of them is entitled as between himself and the other or others of them to use it except—

(a) on behalf of both or all of them, or

(b) in relation to an article with which both or all of them are connected in the course of trade,

those persons may be registered as joint proprietors of the trade mark, and this Act shall have effect in relation to any rights to the use of the trade mark vested in those persons as if those rights had been vested in a single person.

18. (1) The registration of a trade mark shall be for a period of seven years, but may be renewed from time to time in accordance with the provisions of this section.

Duration and renewal of registration.

(2) The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of the trade mark for a period of fifteen years from the date of expiration of the original registration or of the last renewal of registration, as the case may be (which date is in this section referred to as "the expiration of the last registration").

(3) At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor of the date of expiration and the conditions as to payment of fees and otherwise upon which a renewal of registration may be obtained, and if at the expiration of the time prescribed in that behalf those conditions have not been duly complied with the Registrar may remove the trade mark from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed.

19. Where a trade mark has been removed from the register for failure to pay the fee for renewal, it shall nevertheless, for the purpose of any application for the registration of another trade mark during one year next after the date of the removal, be deemed to be a trade mark already on the register, unless the tribunal is satisfied either—

Effect of removal from register for failure to pay fee for renewal.

- (a) that there has been no *bona fide* trade use of the trade mark which has been removed during the two years immediately preceding its removal; or
- (b) that no deception or confusion would be likely to arise from the use of the trade mark which is the subject of the application for registration by reason of any previous use of the trade mark which has been removed.

CHAPTER IV.

EFFECT OF REGISTRATION.

20. (1) No person shall be entitled to institute any proceeding to prevent, or to recover damages for, the infringement of an unregistered trade mark unless such trade mark has been continuously in use since before the 1st Chingom 1114, by such person or by a predecessor in title of his and unless an application for its registration, made within five years from the commencement of this Act, has been refused; and the Registrar shall, on application in the prescribed manner, grant a certificate that such application has been refused.

No action for infringement of unregistered trade mark.

(2) Nothing in this Act shall be deemed to affect rights of action against any person for passing off goods as the goods of another person or the remedies in respect thereof.

21. Subject to the provisions of Sections 22, 25 and 26, the registration of a person in the register as proprietor of a trade mark in respect of any goods shall, if valid, give to that person the exclusive right to the use of the trade mark in relation to those goods and, without prejudice to the generality of the foregoing provision, that right shall be deemed to be infringed by any person who, not being the proprietor of the trade mark or a registered user thereof using by way of the permitted use, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of trade, in relation to any goods in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either—

Right conferred by registration.

- (a) as being use as a trade mark; or
- (b) to import a reference to some person having the right either as a proprietor or as registered user to use the trade mark or to goods with which such a person as aforesaid is connected in the course of trade.

22. (1) The right to the use of a trade mark given under section 21 by registration shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark as aforesaid in any mode, in relation to goods to be sold or otherwise traded in, in any place, or in relation to goods to be exported to any market, or in any other circumstances, to which, having regard to any such limitations, the registration does not extend.

No infringement in certain circumstances.

(2) The said right to the use of a trade mark shall not be deemed to be infringed by the use of any such mark as aforesaid by any person—

- (a) in relation to goods connected in the course of trade with the proprietor or a registered user of the trade mark if, as to those goods or a bulk of which they form part, the proprietor or the registered user conforming to the permitted use has applied the trade mark and has not subsequently removed or obliterated it, or has at any time expressly or impliedly consented to the use of the trade mark; or
- (b) in relation to goods adapted to form part of, or to be accessory to, other goods in relation to which the trade mark has been used without infringement of the right given as aforesaid or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact a connection in the course of trade between any person and the goods.

(3) The use of a registered trade mark, being one of two or more registered trade marks which are identical or nearly resemble each other, in exercise of the right to the use of that trade mark given by registration as aforesaid, shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

23. In all legal proceedings relating to a registered trade mark, the fact that a person is registered as proprietor thereof shall be *prima facie* evidence of the validity of the original registration of the trade mark and of all subsequent assignments and transmissions thereof.

Registration to be *prima facie* evidence of validity.

24. In all legal proceedings relating to a registered trade mark, the original registration of the trade mark shall after the expiration of seven years from the date of such original registration be taken to be valid in all respects unless such registration was obtained by fraud, or unless the trade mark offends against the provisions of Section 8.

Registration to be conclusive as to validity after seven years.

25. Nothing in this Act shall entitle the proprietor or a registered user of a registered trade mark to interfere with or restrain the use by any person of a trade mark identical with or nearly resembling it in relation to goods in relation to which that person or a predecessor in title of his has continuously used that trade mark from a date prior—

Saving for vested rights.

(a) to the use of the first-mentioned trade mark in relation to those goods by the proprietor or a predecessor in title of his, or

(b) to the registration of the first-mentioned trade mark in respect of those goods in the name of the proprietor or a predecessor in title of his,

whichever is the earlier, or to object (on such use being proved) to registration of that identical or nearly resembling trade mark in respect of those goods under sub-section (2) of Section 10.

26. No registration of a trade mark shall interfere with any *bona-fide* use by a person of his own name or that of his place of business, or of the name, or of the name of the place of business, of any of his predecessors in business, or the use by any person of any *bona-fide* description of the character or quality of his goods, not being a description that would be likely to be taken as importing any such reference as is mentioned in clause (b) of Section 21 or in clause (b) of Section 57.

Saving for use of name, address, or description of goods.

27. (1) The registration of a trade mark shall not be deemed to have become invalid by reason only of any use after the date of the registration of any words which the trade mark contains or of which it consists as the name or description of an article or substance:

Words used as name or description of an article or substance.

Provided that, if it is proved either—

- (a) that there is a well-known and established use of the said words as the name or description of the article or substance by a person or persons carrying on a trade therein, not being use in relation to goods connected in the course of trade with the proprietor or a registered user of the trade mark or (in the case of a certification trade mark) goods certified by the proprietor: or
- (b) that the article or substance has been manufactured under a patent in force at or granted after the commencement of this section, that a period of two years or more after the expiry of the patent has elapsed, and that the said words are the only practicable name or description of the article or substance,—

the provisions of sub-section (2) shall apply.

(2) Where the facts mentioned in clause (a) or clause (b) of the proviso to sub-section (1) are proved with respect to any words, then—

(a) for the purposes of any proceedings under Section 46—

(i) if the trade mark consists solely of such words, the registration of the trade mark, so far as regards registration in respect of the article or substance in question or of any goods of the same description shall be deemed to be an entry wrongly remaining on the register;

(ii) if the trade mark contains such words and other matter, the tribunal, in deciding whether the trade mark shall remain on the register, so far as regards registration in respect of the article or substance in question and of any goods of the same description, may, in case of a decision in favour of its remaining on the register, require as a condition thereof that the proprietor shall disclaim any right to the exclusive use in relation to that article or substance and any goods of the same description of such words, provided that no disclaimer shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made;

b) for the purposes of any other legal proceedings relating to the trade mark,—

i) if the trade mark consists solely of such words, all rights of the proprietor under this Act or any other law to the exclusive use of the trade mark in relation to the article or substance in question or to any goods of the same description, or

(ii) if the trade mark contains such words and other matter all such rights of the proprietor to the exclusive use of such words, in such relation as aforesaid, shall be deemed to have ceased on the date at which the use mentioned in clause (a) of the proviso to sub-section (1) first became well-known and established, or at the expiration of the period of two years mentioned in clause (b) of the said proviso.

CHAPTER V.

ASSIGNMENT AND TRANSMISSION.

28. The person for the time being entered in the register as proprietor of a trade mark shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power to assign the trade mark, and to give effectual receipts for any consideration for such assignment.

Power of registered proprietor to assign and give receipts.

29. Notwithstanding anything in any other law to the contrary, a registered trade mark shall, subject to the provisions of this Chapter, be assignable and transmissible whether in connection with the goodwill of a business or not, and in respect either of all of the goods in respect of which it is registered or of some only of those goods.

Assignability of registered trade marks.

30. An unregistered trade mark shall be assignable and transmissible whether in connection with the goodwill of a business or not:

Assignability of unregistered trade marks.

Provided that, except in connection with the goodwill of a business, assignment or transmission shall be permissible only if—

- (a) at the time of assignment or transmission of the unregistered trade mark it is used in the same business as a registered trade mark, and
- (b) the registered trade mark is assigned or transmitted at the same time and to the same person as the unregistered trade mark, and
- (c) the unregistered trade mark relates to goods in respect of which the registered trade mark is assigned or transmitted.

31. (1) Notwithstanding anything in Sections 29 and 30, a trade mark shall not be assignable or transmissible in a case in which as a result of the assignment or transmission there would in the circumstances subsist, whether under this Act or any other law, exclusive rights in more than one of the persons concerned to the use, in relation to the same goods or description of goods, of trade marks nearly resembling each other or

Restrictions on assignment or transmission where multiple exclusive rights would be created.

of identical trade marks, if, having regard to the similarity of the goods and of the trade marks, the use of the trade marks in exercise of those rights would be likely to deceive or cause confusion:

Provided that an assignment or transmission shall not be deemed to be invalid under this sub-section if the exclusive rights subsisting as a result thereof in the persons concerned respectively are, having regard to limitations imposed thereon, such as not to be exercisable by two or more of those persons in relation to goods to be sold, or otherwise traded in, within Travancore (otherwise than for export therefrom), or in relation to goods to be exported to the same market outside Travancore.

(2) The proprietor of a registered trade mark who proposes to assign it may submit to the Registrar in the prescribed manner a statement of case setting out the circumstances and the Registrar may issue to him a certificate stating whether, having regard to the similarity of the goods and of the trade marks referred to in the case, the proposed assignment would or would not be invalid under sub-section (1), and a certificate so issued shall, subject to appeal and unless it is shown that the certificate was obtained by fraud or misrepresentation, be conclusive as to the validity or invalidity under sub-section (1) of the assignment in so far as such validity or invalidity depends upon the facts set out in the case, but, as regards a certificate in favour of validity, only if application for the registration under Section 35 of the title of the person becoming entitled is made within six months from the date on which the certificate is issued.

32. Notwithstanding anything in Sections 29 and 30, a trade mark shall not be assignable or transmissible in a case in which as a result of the assignment or transmission there would in the circumstances subsist, whether under this Act or any other law, an exclusive right in one of the persons concerned to the use of the trade mark limited to use in relation to goods to be sold, or otherwise traded in, in any place in Travancore and an exclusive right in another of these persons to the use of a trade mark nearly resembling the first mentioned trade mark or of an identical trade mark in relation to the same goods or description of goods limited to use in relation to goods to be sold, or otherwise traded in, in any other place in Travancore:

Restrictions on assignment of transmission when exclusive rights would be created in different parts of Travancore.

Provided that in any such case, on application in the prescribed manner by the proprietor of a trade mark who proposes to assign it, or by a person who claims that a registered trade mark has been transmitted to him or to a predecessor in title of his since the commencement of this Act, the Registrar, if he is satisfied that in all the circumstances the use of the trade mark in exercise of the said rights would not be contrary to the public interest, may approve the assignment or transmission, and an assignment or transmission so approved shall not,

unless it is shown that the approval was obtained by fraud or misrepresentation, be deemed to be invalid under this section or Section 31 if application for the registration under Section 35 of the title of the person becoming entitled is made within six months from the date on which the approval is given or, in the case of a transmission, was made before that date.

33. Where an assignment in respect of any goods of a trade mark which is at the time of the assignment used in a business in those goods, is made after the commencement of this Act otherwise than in connection with the goodwill of a business, the assignee, not later than the expiration of six months from the date on which the assignment is made or within such extended period, if any, as the Registrar may allow, applies to the Registrar for directions with respect to the advertisement of the assignment, and advertises it in such form and manner and within such period as the Registrar may direct.

34. (1) A certification trade mark shall not be assignable or transmissible otherwise than with the consent of Our Government, for which application shall be made in writing in the prescribed manner through the Registrar.
 (2) Associated trade marks shall be assignable and transmissible only as a whole and not separately.

35. (1) Where a person becomes entitled by assignment or transmission to a registered trade mark, he shall apply in the prescribed manner to the Registrar to register his title and the Registrar shall on receipt of the application and on proof of title to his satisfaction, register him as the proprietor of the trade mark in respect of the goods in respect of which the assignment or transmission has effect, and shall cause particulars of the assignment or transmission to be entered on the register.
 (2) Except for the purposes of an appeal against a decision of the Registrar under sub-section (1) or of an application under Section 46, a document or instrument in respect of which no entry has been made in the register in accordance with sub-section (1) shall not be admitted in evidence before any tribunal in proof of the title to a trade mark unless the tribunal otherwise directs.

CHAPTER VI.

USE OF TRADE MARKS AND REGISTERED USERS.

36. (1) No application for the registration of a trade mark in respect of any goods shall be refused, nor shall permission for such registration be withheld on the ground only that it appears that the applicant does not use or propose to use the trade mark, if

the Registrar is satisfied that a company is about to be formed and registered under the Travancore Companies Act, 1114 and that the applicant intends to assign the trade mark to that company with a view to the use thereof in relation to those goods by the company.

(2) The tribunal may, in a case to which sub-section (1) applies require the applicant to give security for the costs of any proceedings relative to any opposition or appeal, and in default of such security being duly given may treat the application as abandoned.

(3) Where in a case to which sub-section (1) applies, a trade mark in respect of any goods is registered in the name of an applicant who relies on intention to assign to a company, then, unless within such period as may be prescribed, or within such further period not exceeding six months as the Registrar may, on application being made to him in the prescribed manner, allow, the company has been registered as the proprietor of the trade mark in respect of those goods, the registration shall cease to have effect in respect thereof at the expiration of that period, and the Registrar shall amend the register accordingly.

37. (1) Subject to the provisions of Section 38, a registered trade mark may be taken off the register in respect of any of the goods in respect of which it is registered on application in the prescribed manner by any person aggrieved to Our High Court or to the Registrar, on the ground either —

Removal from register and imposition of limitations on ground of non-use.

(a) that the trade mark was registered without any *bona fide* intention on the part of the applicant for registration that it should be used in relation to those goods by him or, in a case to which the provisions of Section 36 apply, by the company concerned, and that there has in fact been no *bona fide* use of the trade mark in relation to those goods by any proprietor thereof for the time being up to a date one month before the date of the application; or

(b) that up to a date one month before the date of the application, a continuous period of five years or longer elapsed during which the trade mark was registered and during which there was no *bona fide* use thereof in relation to those goods by any proprietor thereof for the time being:

Provided that, except where the applicant has been permitted under sub-section (2) of Section 10 to register an identical or nearly resembling trade mark in respect of the goods in question or where the tribunal is of opinion that he might properly be permitted so to register such a trade mark, the tribunal may refuse an application made under clause (a) or clause (b) in relation to any goods, if it is shown that there has been, before the relevant date or during the relevant period, as the case may be, *bona fide* use of the trade mark by any proprietor thereof for the time being in relation to goods of the same description, being goods in respect of which the trade mark is registered.

(2) Where in relation to any goods in respect of which a trade mark is registered—

- (a) the circumstances referred to in clause (b) of sub-section (1) are shown to exist so far as regards non-use of the trade mark in relation to goods to be sold, or otherwise traded in, in a particular place in Travancore (otherwise than for export from Travancore), or in relation to goods to be exported to a particular market outside Travancore, and
- (b) a person has been permitted under sub-section (2) of Section 10 to register an identical or nearly resembling trade mark in respect of those goods under a registration extending to use in relation to goods to be so sold, or otherwise traded in, or in relation to goods to be so exported, or the tribunal is of opinion that he might properly be permitted so to register such a trade mark,

on application by that person in the prescribed manner to Our High Court or to the Registrar, the tribunal may impose on the registration of the first-mentioned trade mark such limitations as it thinks proper for securing that that registration shall cease to extend to such use.

(3) An applicant shall not be entitled to rely for the purpose of clause (b) of sub-section (1) or of sub-section (2) on any non-use of a trade mark which is shown to have been due to special circumstances in the trade and not to any intention to abandon or not to use the trade mark in relation to the goods to which the application relates.

38. (1) Where a trade mark consisting of any invented word has become so well-known as respects any goods in relation to which it is registered and has been used, that the use thereof in relation to other goods would be likely to be taken as indicating a connection in the course of trade between those goods and a person entitled to use the trade mark in relation to the first mentioned goods, then, notwithstanding that the proprietor registered in respect of the first mentioned goods does not use or propose to use the trade mark in relation to those other goods and notwithstanding anything in Section 37, the trade mark may on application in the prescribed manner by such proprietor be registered in his name in respect of those other goods as a defensive trade mark and, while so registered, shall not be liable to be taken off the register in respect of those goods under the said section.

(2) The registered proprietor of a trade mark may apply for the registration thereof in respect of any goods as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods otherwise than as a defensive trade mark, or may apply for the registration thereof in respect of any goods otherwise than as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods as a defensive trade mark, in lieu in each case of the existing registration.

(3) A trade mark registered as a defensive trade mark and that trade mark as otherwise registered in the name of the same proprietor shall, notwithstanding that the respective registrations are in respect of different goods, be deemed to be, and shall be registered as, associated trade marks.

(4) On application in the prescribed manner by any person aggrieved to Our High Court or to the Registrar, the registration of a trade mark as a defensive trade mark may be cancelled on the ground that the requirements of sub-section (1) are no longer satisfied in respect of any goods in relation to which the trade mark is registered in the name of the same proprietor otherwise than as a defensive trade mark, or may be cancelled as respects any goods in relation to which it is registered as a defensive trade mark on the ground that there is no longer any likelihood that the use of the trade mark in relation to those goods would be taken as giving the indication mentioned in sub-section (1).

(5) The Registrar may at any time cancel the registration as a defensive trade mark of a trade mark of which there is no longer any registration in the name of the same proprietor otherwise than as a defensive trade mark.

(6) Except as otherwise expressly provided in this section, the provisions of this Act shall apply in respect of the registration of trade marks as defensive trade marks and of trade marks so registered as they apply in other cases.

39. (1) A person other than the proprietor of a trade mark may be registered as a registered user thereof in respect of all or any of the goods in respect of which it is registered (otherwise than as a defensive trade mark) and either with or without conditions or restrictions.

(2) The permitted use of a trade mark shall be deemed to be used by the proprietor thereof, and shall be deemed not to be used by a person other than the proprietor, for any purpose for which such use is material under this Act or any other law.

40. (1) Subject to any agreement subsisting between the parties, a registered user of a trade mark shall be entitled to call upon the proprietor thereof to take proceedings to prevent infringement thereof, and if the proprietor refuses or neglects to do so within three months after being so called upon, the registered user may institute proceedings for infringement in his own name as if he were the proprietor, making the proprietor a defendant.

(2) Notwithstanding anything contained in any other law, a proprietor so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

41. (1) Where it is proposed that a person should be registered as a registered user of a trade mark, the proprietor and the proposed registered user shall make application in writing to the Registrar in the prescribed manner accompanied by an affidavit made by the proprietor, or by some person authorised to the satisfaction of the Registrar to act on his behalf,—

Application for registration as registered user.

- (a) giving particulars of the relationship, existing or proposed, between the proprietor and the proposed registered user, including particulars showing the degree of control by the proprietor over the permitted use which their relationship will confer and whether it is a term of their relationship that the proposed registered user shall be the sole registered user or that there shall be any other restriction as to persons for whose registration as registered users application may be made;
- (b) stating the goods in respect of which registration is proposed;
- (c) stating any conditions or restrictions proposed with respect to the characteristics of the goods, to the mode or place of permitted use, or to any other matter;
- (d) stating whether the permitted use is to be for a period or without limit of period, and, if for a period, the duration thereof;

and by such further documents, information or evidence as may be required by the Registrar or as may be prescribed.

(2) When the requirements of sub-section (1) have been complied with, if the Registrar is satisfied that in all the circumstances the use of the trade mark in respect of the proposed goods or any of them by the proposed registered user subject to any conditions or restrictions which the Registrar may think proper, would not be contrary to the public interest, the Registrar may register, subject as aforesaid, the proposed registered user as a registered user in respect of the goods as to which he is so satisfied.

(3) The Registrar shall refuse an application under this section if it appears to him that the grant thereof would tend to facilitate trafficking in a trade mark.

(4) The Registrar shall, if so requested by an applicant, take steps for securing that information given for the purposes of an application under this section (other than matter entered in the register) is not disclosed to rivals in trade.

(5) The Registrar shall issue notice in the prescribed manner —

- (a) of the registration of a person as a registered user, to any other registered user of the trade mark;

(b) of an application under Section 42, to the registered proprietor, and each registered user, (not being the applicant) of the trade mark.

42. Without prejudice to the provisions of Section 46, the registration of a person as a registered user —

Power to Registrar to vary or cancel registration as registered user.

(a) may be varied by the Registrar as regards the goods in respect of which, or any conditions or restrictions subject to which, it has effect, on the application in writing in the prescribed manner of the registered proprietor of the trade mark ;

(b) may be cancelled by the Registrar on the application in writing in the prescribed manner of the registered proprietor or of the registered user or of any other registered user of the trade mark ;

(c) may be cancelled by the Registrar on the application in writing in the prescribed manner of any person on any of the following grounds, namely :—

(i) that the registered user has used the trade mark otherwise than by way of the permitted use, or in such a way as to cause or to be likely to cause, deception or confusion ;

(ii) that the proprietor or the registered user misrepresented, or failed to disclose, some fact material to the application for the registration, or that the circumstances have materially changed since the date of the registration ;

(iii) that the registration ought not to have been effected having regard to rights vested in the applicant by virtue of a contract in the performance of which he is interested ;

(d) may be cancelled by the Registrar in respect of any goods in relation to which the trade mark is no longer registered.

43. Nothing in this Act shall confer on a registered user of a trade mark any assignable or transmissible right to the use thereof.

Registered user not to have right of assignment or transmission.

44. (1) Where under the provisions of this Act use of a registered trade mark is required to be proved for any purpose, the tribunal may, if and so far as it shall think right, accept use of a registered associated trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for the use required to be proved.

Use of one of associated or substantially identical trade marks equivalent to use of another.

(2) The use of the whole of a registered trade mark shall for the purposes of this Act be deemed to be also a use of any trade mark being a part thereof and registered in accordance with sub-section (1) of Section 11 in the name of the same proprietor.

45. (1) The application in Travancore of a trade mark to goods to be exported from Travancore, and any other act done in Travancore in relation to goods to be so exported which, if done in relation to goods to be sold or otherwise traded in within Travancore would constitute use of a trade mark therein, shall be deemed to constitute use of the trade mark in relation to those goods for any purpose for which such use is material under this Act or any other law.

Use of trade mark for export trade, and use when form of trade connection changes.

(2) The use of a registered trade mark in relation to goods between which and the person using the mark any form of connection in the course of trade subsists shall not be deemed to be likely to cause deception or confusion on the ground only that the mark has been or is used in relation to goods between which and the person using the mark or any predecessor in his business different form of connection in the course of trade subsisted or subsists.

CHAPTER VII.

RECTIFICATION AND CORRECTION OF THE REGISTER.

46. (1) On application in the prescribed manner by any person aggrieved to Our High Court or to the Registrar, the tribunal may make such order as it may think fit for cancelling or varying the registration of a trade mark on the ground of any contravention of, or failure to observe a condition entered on the register in relation thereto.

Power to cancel or vary registration and to rectify the register.

(2) Any person aggrieved by the absence or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, may apply in the prescribed manner to Our High Court or to the Registrar, and the tribunal may make such order for making, expunging or varying the entry as it may think fit.

(3) The tribunal may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register.

(4) Our High Court or the Registrar, of its or his own motion, may, after giving notice in the prescribed manner to the parties concerned and after giving them an opportunity of being heard, make any order referred to in sub-section (1) or sub-section (2).

(5) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner who shall upon receipt of such notice rectify the register accordingly.

47. (1) The Registrar may, on application made in the prescribed manner by the registered proprietor,—

Correction of register.

(a) correct any error in the name, address or description of the registered proprietor of a trade mark ;

- enter any change in the name, address or description of the person who is registered as proprietor of a trade mark ;
- cancel the entry of a trade mark on the register ;
- (d) strike out any goods or classes of goods from those in respect of which a trade mark is registered ;
- (e) enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of the trade mark.

(2) The Registrar may, on application made in the prescribed manner by a registered user of a trade mark, correct any error, or enter any change, in the name, address or description of the registered user.

48. (1) The registered proprietor of a trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter the trade mark in any manner not substantially affecting the identity thereof, and the Registrar may refuse leave or may grant it on such terms and subject to such limitations as he may think fit.

(2) The Registrar may cause an application under this section to be advertised in the prescribed manner in any case where it appears to him that it is expedient so to do and where he does so, if within the prescribed time from the date of the advertisement any person gives notice to the Registrar in the prescribed manner of opposition to the application, the Registrar shall, after hearing the parties if so required, decide the matter.

(3) Where leave is granted under this section, the trade mark as altered shall be advertised in the prescribed manner, unless the application has already been advertised under sub-section (2).

49. (1) The Registrar shall not, in exercise of any power conferred on him under clause (a) of sub-section (2) of Section 79 make any amendment of the register which would have the effect of adding any goods or classes of goods to those in respect of which a trade mark is registered (whether in one or more classes) immediately before the amendment, is to be made, or of antedating the registration of a trade mark in respect of any goods:

Provided that this sub-section shall not apply when the Registrar is satisfied that compliance therewith would involve undue complexity and that the addition or antedating, as the case may be, would not affect any substantial quantity of goods and would not substantially prejudice the rights of any person.

(2) A proposal so to amend the register shall be notified to the registered proprietor of the trade mark affected and advertised in the prescribed manner, and may be opposed before the Registrar by any person aggrieved on the ground that the proposed amendment contravenes the provisions of sub-section (1).

CHAPTER VIII.

CERTIFICATION TRADE MARKS.

50. Subject to the provisions of this Chapter the other provisions of this Act except Sections 6, 21, 22, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, and 43 and sub-section (2) of Section 45 shall apply to certification trade marks as they apply to trade marks.

Provisions of this Act applicable to certification trade marks.

51. A mark shall not be registrable as a certification trade mark in the name of a person who carries on a trade in goods of the kind certified.

Certification trade mark not to be registered in name of person trading in goods certified thereby.

52. In determining whether a mark is adapted to distinguish in accordance with the provisions of clause (b) of sub-section (1) of Section 2, the tribunal may have regard to the extent to which—

Determination whether a mark is a certification trade mark.

(a) the mark is inherently so adapted to distinguish in relation to the goods in question; and

(b) by reason of the use of the mark or of any other circumstances, the mark is in fact so adapted to distinguish in relation to the goods in question.

53. (1) An application for the registration of a mark as a certification trade mark shall be made to the Registrar in writing in the prescribed manner by the person proposed to be registered as the proprietor thereof, and accompanied by a draft of the regulations to be deposited under Section 56.

Application for registration.

(2) The provisions of Section 14 shall have effect in relation to an application under this section as they have effect in relation to an application under the said section, except that for references therein to acceptance of an application there shall be substituted references to authorisation to proceed with the application.

(3) In dealing under the said provisions with an application under this section, the tribunal shall have regard to the like considerations, so far as relevant, as if the application were an application under Section 14 and to any other considerations (not being matters within the competence of Our Government under Section 54) relevant to applications under this section, including the desirability of securing that a certification trade mark shall comprise some indication that it is a certification trade mark.

54. When authorisation to proceed with an application under Section 53 has been given, the Registrar shall forward the application to Our Government who shall consider the application with regard to the following matters, namely:—

Consideration of application or registration by Government.

(a) whether the applicant is competent to certify the goods in respect of which the mark is to be registered;

(b) whether the draft of the regulations to be deposited under Section 56 is satisfactory :

(c) whether in all the circumstances the registration applied for would be to the public advantage;

and may either—

(i) direct that the application shall not be accepted : or

(ii) direct the Registrar to accept the application and approve the said draft of the regulations either without modification and unconditionally or subject to any conditions or limitations, or to any amendments or modification of the application or of the regulations, which it thinks requisite having regard to any of the said matters ;

but, except in the case of a direction for acceptance and approval without modification and unconditionally, Our Government shall not decide the matter without giving to the applicant an opportunity of being heard :

Provided that Our Government may, at the request of the applicant made with the concurrence of the Registrar, consider the application with regard to any of the said matters before authorisation to proceed with the application has been given, so however that Our Government shall be at liberty to reconsider any matter on which it has given a decision under this proviso if any amendment or modification is thereafter made in the application or in the draft of the regulations.

55. (1) When an application has been accepted, the Registrar shall, as soon as may be thereafter, cause the application as accepted to be advertised in the prescribed manner, and the provisions of Section 15 shall have effect in relation to the registration of the mark as if the application had been an application under Section 14 ;

Provided that, in deciding under the said provisions the tribunal shall have regard only to the considerations referred to in sub-section (3) of Section 53, and a decision under the said provisions in favour of the applicant shall be conditional on the determination in his favour by Our Government under sub-section (2) of this section of any opposition relating to any of the matters referred to in Section 54.

(2) When notice of opposition is given relating to any of the matters referred to in Section 54, Our Government shall, after hearing the parties, if so required, and considering any evidence, decide whether, and subject to what conditions or limitations, or amendments or modifications, if any, of the application or of the regulations to be deposited under Section 56, registration is, having regard to those matters, to be permitted.

56. (1) There shall be deposited at the Patent Office in respect of every mark registered as a certification trade mark regulations approved by Our Government for governing the use thereof, which shall include provisions as to the cases in which the proprietor is to certify goods and to authorise the use of the certification

Deposits of regulations governing the use of a certification trade mark.

trade mark, and may contain any other provisions which Our Government may by general or special order require or permit to be inserted therein (including provisions conferring a right of appeal to the Registrar against any refusal of the proprietor to certify goods or to authorise the use of the certification trade mark in accordance with regulations); and regulations so deposited shall be open to inspection in like manner as the register.

(2) The regulations so deposited may on the application of the registered proprietor be altered by the Registrar with the consent of Our Government.

(3) Our Government may cause such application to be advertised in any case where it appears to it expedient so to do, and where it does so, if within the time specified in the advertisement any person gives notice of opposition to the application, Our Government shall not decide the matter without giving the parties an opportunity of being heard.

57. Subject to the provisions of Sections 25, 26 and 58, the registration of a person as proprietor of a certification trade mark in respect of any goods shall, if valid, give to that person the exclusive right to the use of the certification trade mark in relation to those goods, and, without prejudice to the generality of the foregoing provision, that right shall be deemed to be infringed by any person who, not being the proprietor of the mark or a person authorised by him in that behalf under the regulations deposited under Section 56, using it in accordance therewith, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of trade, in relation to any goods in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either—

Right conferred by registration.

- (a) as being use as a certification trade mark; or
- (b) to import a reference to some person having the right either as proprietor, or by his authorisation under the said regulations, to use the mark, or to goods certified by the proprietor.

58. (1) The right to the use of a certification trade mark given under Section 57 by registration shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark as aforesaid in any mode, in relation to goods to be sold or otherwise traded in any place, in relation to goods to be exported to any market, or in any other circumstances, to which having regard to any such limitations, the registration does not extend.

No infringement in certain circumstances.

(2) The said right to the use of a certification trade mark shall not be deemed to be infringed by the use of any such mark as aforesaid by any person—

- (a) in relation to goods certified by the proprietor of the mark if, as to those goods or a bulk of which they form part,

the proprietor or another in accordance with his authorisation under the relevant regulations has applied the mark and has not subsequently removed or obliterated it, or the proprietor has at any time expressly or impliedly consented to the use of the mark, or

- (b) in relation to goods adapted to form part of, or to be accessory to, other goods in relation to which the mark has been used without infringement of the right given as aforesaid or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact that the goods are certified by the proprietor:

Provided that clause (a) shall not apply to the case of use consisting of the application of any such mark as aforesaid to any goods, notwithstanding that they are such goods as are mentioned in that clause if such application is contrary to the said regulations.

(3) Where a certification trade mark is one of two or more registered certification trade marks which are identical or nearly resemble each other, the use of any of those marks in exercise of the right to the use of that mark given by registration, shall not be deemed to be an infringement of the right so given to the use of any other of those marks.

59. (1) Our Government may, on the application in the prescribed manner of any person aggrieved or on the recommendation of the Registrar, and after giving the proprietor an opportunity of opposing the application or recommendation, make such order as it thinks fit for expunging or varying any entry in the register relating to a certification trade mark, or for varying the deposited regulations, on any of the following grounds, namely:—

- (a) that the proprietor is no longer competent, in the case of any of the goods in respect of which the mark is registered, to certify those goods;
- (b) that the proprietor has failed to observe any provision of the deposited regulations to be observed on his part;
- (c) that it is no longer to the public advantage that the mark should be registered;
- (d) that it is requisite for the public advantage that, if the mark remains registered, the regulations should be varied;
- and neither Our High Court nor the Registrar shall have any jurisdiction to make an order under Section 46 on any of those grounds.

(2) The Registrar shall rectify the register and the deposited regulations in such manner as may be requisite for giving effect to an order made under sub-section (1).

60. The Registrar shall have no power to award costs to or against any party on an appeal to him against a refusal of the proprietor of a certification trade mark to certify goods or to authorise the use of the mark.

Costs not to be awarded in certain cases.

61. Save as otherwise expressly provided in this Chapter, every decision of Our Government under this Chapter shall be final.

Decisions of Government to be final.

CHAPTER IX.

OFFENCES AND RESTRAINT OF USE OF ROYAL ARMS AND STATE EMBLEMS.

62. If any person makes, or causes to be made, a false entry in the register, or a writing falsely purporting to be a copy of an entry in the register, or produces or tenders, or causes to be produced or tendered, in evidence any such writing, knowing the entry or writing to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for falsification of entries in register.

63. (1) From such date, not being earlier than one year from the commencement of this Act, as Our Government may, by notification in Our Government Gazette, appoint in this behalf, no person shall make any representation—

Penalty for falsely representing a trade mark as registered.

- (a) with respect to a mark not being a registered trade mark, to the effect that it is a registered trade mark; or
- (b) with respect to a part of a registered trade mark not being a part separately registered as a trade mark, to the effect that it is separately registered as a trade mark; or
- (c) to the effect that a registered trade mark is registered in respect of any goods in respect of which it is not in fact registered; or
- (d) to the effect that the registration of a trade mark gives an exclusive right to the use thereof in any circumstances in which, having regard to limitations entered on the register, the registration does not in fact give that right.

(2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(3) For the purposes of this section, the use in Travancore in relation to a trade mark of the word "registered", or of any other expression referring whether expressly or impliedly to registration, shall be deemed to import a reference to registration in the register, except—

- (a) where that word or other expression is used in direct association with other words delineated in characters at least as large as those in which that word or other expression is delineated and indicating that the reference is to registration as a trade mark under the law of a country outside Travancore, being a country under the law of which the registration referred to is in fact in force; or
- (b) where that other expression is of itself such as to indicate that the reference is to such registration as is mentioned in clause (a); or
- (c) where that word is used in relation to a mark registered as a trade mark under the law of a country outside Travancore and in relation solely to goods to be exported to that country.

64. If a person, without due authority, uses in connection with any trade, business, calling or profession—
Restraint of use of
 Royal Arms and State
 Emblems.

- (a) the Travancore Coat of Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Travancore Coat of Arms, or
- (b) the Royal Arms of His Majesty the King Emperor of India (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or
- (c) any device, emblem or title in such manner as to be calculated to lead to the belief that he is employed by, or supplies goods to, or is connected with, the Government of Travancore or the Government of His Majesty the King Emperor of India or the Government of India or any Provincial Government or any department of any such Governments,

he may, at the suit of any person who is authorised to use such Arms or such device, emblem or title or of the Registrar, be restrained by injunction from continuing so to use the same.

CHAPTER X.

MISCELLANEOUS.

65. - In all proceedings under this Act before the Registrar—
Procedure before
 the Registrar.

- (a) the Registrar shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, compelling the discovery and production of documents and issuing commissions for the examination of witnesses;

- (b) evidence shall be given by affidavit, provided that the Registrar may, if he thinks fit, take oral evidence in lieu of, or in addition to, such evidence by affidavit ;
- (c) the Registrar shall not exercise any power vested in him by this Act or the rules made thereunder adversely to any party duly appearing before him without (if required in writing within the prescribed time so to do) giving such party an opportunity of being heard ;
- (d) the Registrar may, save as otherwise expressly provided in this Act, and subject to any rules made in this behalf under Section 79, make such orders as to costs as he considers reasonable, and any such order shall be executable as a decree of a Civil Court.

66. In all proceedings under this Act before Our Government, evidence shall be given by affidavit provided that Our Government may, if it thinks fit, take oral evidence in lieu of, or in addition to, such evidence by affidavit, and shall for that purpose have all the powers of a Civil Court referred to in clause (a) of Section 65.

67. Where under this Act an applicant has the option of making an application either to Our High Court or to the Registrar, —

- (a) if any suit or other proceedings concerning the trade mark in question is pending before Our High Court or a District Court, the application shall be made to Our High Court ;
- (b) if in any other case the application is made to the Registrar, the Registrar may, if he thinks fit, refer the application at any stage of the proceedings to Our High Court.

68. No suit for the infringement of a trade mark or otherwise relating to any right in a trade mark shall be instituted in any Court inferior to a District Court having jurisdiction to try the suit.

69. (1) In any suit or other legal proceeding in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the tribunal.

(2) Unless the tribunal otherwise directs, the Registrar may, in lieu of appearing, submit a statement in writing signed by him, giving such particulars as he thinks proper of the proceedings before him relating to the matter in issue, or of the grounds of any decision given by him affecting it, or of the practice of the Patent Office in like cases, or of

other matters relevant to the issues and within his knowledge as Registrar, and such statement shall be evidence in the suit or other proceeding.

(3) The costs of the Registrar shall be in the discretion of the tribunal, but the Registrar shall not be ordered to pay the costs of any of the parties.

70. (1) A printed or written copy of any entry in the register, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, shall be admitted in evidence in all Courts in Travancore and in all proceedings without further proof of production of the original.

(2) A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing that he is authorised by this Act or the rules to make or do shall be *prima facie* evidence of the entry having been made, and of the contents thereof, or of the matter or thing having been done or not done.

71. (1) Save as otherwise expressly provided in this Act, an appeal shall lie, within the period prescribed by Our Government from any decision of the Registrar under this Act or the rules made thereunder to Our High Court.

Provided that if any suit or other proceeding concerning the trade mark in question is pending before Our High Court or a District Court, the appeal shall be made to Our High Court.

(2) In an appeal by an applicant for registration against a decision of the Registrar under Section 13 or Section 14 or Section 15, it shall not be open, save with the express permission of the Court, to the Registrar or any party opposing the appeal to advance grounds other than those recorded in the said decision or advanced by the party in the proceedings before the Registrar, as the case may be; and where any such additional grounds are advanced, the applicant for registration may, on giving notice in the prescribed manner, withdraw his application without being liable to pay the costs of the Registrar or the parties opposing his application.

(3) Subject to the provisions of this Act and of rules made thereunder, the provisions of the Code of Civil Procedure, 1100, shall apply to appeals before Our High Court under this Act.

72. Our High Court may make rules consistent with this Act as to the conduct and procedure of all proceedings under this Act before it.

73. If in any legal proceeding in which the validity of the registration of a trade mark comes into question, a decision is given in favour of the proprietor of the trade mark, the tribunal may grant a certificate to that effect, and if such a certificate is granted, then in any subsequent legal proceeding

In which the said validity comes into question, the said proprietor on obtaining a final order or judgment in his favour shall, unless the said final order or judgment for sufficient reason directs otherwise, be entitled to his full costs, charges and expenses as between legal practitioner and client.

74. In any suit or other proceeding relating to a trade mark, the tribunal shall admit evidence of the usages of the trade concerned and of any relevant trade mark or get up legitimately used by other persons.

Trade usage, etc., to be taken into consideration.

75. Where by or under this Act any act, other than the making of an affidavit, is required to be done by any person, the act may, subject to prescribed conditions or in special cases with the consent of Our Government, be done, in lieu of by that person himself, by a duly authorised agent, being either a legal practitioner or a person registered in the prescribed manner as a trade marks agent.

Agents.

76. There shall be paid in respect of applications and registration and other matters under this Act such fees as may be prescribed by Our Government.

Fees.

77. The provisions of this Act shall be binding on Our Government.

Government to be bound.

78. If at any time after the expiry of six months from the date of coming into force of this section it is made to appear to Our Government that any Government outside Travancore has made satisfactory provision for the protection within its territories of trade marks in respect of which an application for registration has been made in Travancore, Our Government may, by notification in Our Government Gazette make provision with regard to trade marks in respect of which an application for registration has been made within the territories of that Government to enable any person who has applied within such territories for registration of a trade mark or his legal representative or assignee to obtain registration of the trade mark in Travancore under this Act or his making an application for registration in Travancore within such period as may be fixed in this behalf by the notification as if an application for registration under this Act had been made in respect of that trade mark at the date at which the application for registration was made within the territories of that Government.

Power to make reciprocal arrangements with other Governments.

79. (1) Our Government may, subject to the condition of previous publication by notification in Our Government Gazette, make rules to carry out the purposes of this Act.

Power of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the classification of goods for the purpose of the registration of trade marks, and empower the Registrar to amend the register so far as may be necessary for the purpose of adapting the entries therein to any amended or substituted classification which may be prescribed ;
- (b) require the making of duplicates of trade marks and other documents connected therewith ;
- (c) provide for securing and regulating the publication, sale or distribution of copies of trade marks and other documents connected therewith ;
- (d) prescribe additional matters to be entered in the register ;
- (e) prescribe the conditions and restrictions subject to which the register may be inspected ;
- (f) prescribe the form of certificates of registration ;
- (g) prescribe the conditions under which a trade mark removed from the register may be restored under sub-section (3) of Section 18 ;
- (h) prescribe the further documents, information or evidence to accompany an application under sub-section (1) of Section 41 ;
- (i) regulate the awarding of costs by the Registrar under Section 65 ;
- (j) prescribe the conditions subject to which an agent referred to in Section 75 may act ;
- (k) prescribe the fees to be paid under this Act ;
- (l) prescribe the manner in which, in proceedings under this Act before Our Government or the Registrar, applications shall be made, notices given and matters advertised ;
- (m) prescribe times or periods required by this Act to be prescribed ;
- (n) provide, generally, for regulating the business of the Trade Marks Registry and for regulating all things by this Act placed under the direction or control of Our Government or the Registrar.

80. Our Government may, by notification in Our Government Gazette, provide such procedure as it considers expedient to enable intending applicants to deposit trade marks at the Patent Office before the coming into force of the remaining provisions of this Act:

Power to Government to make provision for applications for registration before the coming into force of the remaining provisions of Act.

Provided that the deposit of a trade mark under this section shall not affect any right, existing or accruing, in the trade mark.

Trivandrum,
4th June 1941.

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

Annexure III.

This Bill was passed by the Sri Chitra State Council on the 15th August 1941 subject to the following amendment:—

In Clause 1 (1), substitute the figure '1117' for the figure '111'.

V. S. ARUMUKHOM PILLAY,
Secretary to the Sri Chitra State Council.

THE TRAVANCORE AGRICULTURAL PRODUCE
(GRADING AND MARKING) BILL.

(As revised by the Select Committee)

*An Act to provide for the grading and marking of
agricultural produce.*

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

Preamble.

1. (i) This Act may be called the Travancore Agricultural Produce (Grading and Marking) Act, 111 .

Short title, extent and commencement.

(ii) It extends to the whole of Travancore.

(iii) It shall come into force at once.

2. In this Act, unless the contrary appears from the subject or context

Definitions.

(a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals;

(b) "counterfeit" has the meaning assigned to that word by Section 22 of the Travancore Penal Code;

(c) "covering" includes any vessel, box, crate, wrapper, tray or other container;

(d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(e) "grade designation mark" means a mark prescribed as representing a particular grade designation;

(f) "quality" in relation to any article, includes the state and condition of the article;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheduled article" means an article included in the schedule; and

- (i) "an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

3. Our Government may, after previous publication by Notification in Our Government Gazette, make rules—
Prescription of grade designations.

- (a) fixing grade designations to indicate the quality of any scheduled article ;
- (b) defining the quality indicated by every grade designation;
- (c) specifying grade designation marks to represent particular grade designations ;
- (d) authorising a person or a body of persons subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article ;
- (e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering ;
- (f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark ; and
- (g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rules made under Section 3 shall be punishable with fine which may extend to five hundred rupees.
Penalty for unauthorised marking with grade designation mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine or with both.
Penalty for counterfeiting grade designation mark.

6. Our Government, after such consultation as it thinks fit of the interests likely to be affected, may by Notification in Our Government Gazette declare that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule, and on the publication of such notification such article shall be deemed to be included in the Schedule.

Extension of applica-
tion of Act.

THE SCHEDULE.

(See Section 2).

- 1 Fruit
- 2 Vegetables
- 3 Eggs
- 4 Dairy Produce
- 5 Hides and skins
- 6 Fruit Products
- 7 Rice

Trivandrum
May 1941.

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

Annexure IV

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE POLICE ACT (AMENDMENT) BILL.

To

The President,
The Sri Mulam Assembly,
Trivandrum.

Sir,

We, the undersigned members of the Select Committee appointed to consider and report on the Travancore Police Act (Amendment) Bill have considered the Bill, and beg to submit this our.

REPORT.

The Bill was published in the Government Gazette dated 21st January 1941.

Under sub-clause (2) of Clause 1, the measure is to apply, in the first instance, only to the City of Trivandrum, and power is reserved to Government to extend its operation to other notified places. The Committee are of the view that it should apply to all Municipal areas, in the first instance, as in their opinion, the evils proposed to be dealt with by the measure are as much rampant in other Municipal areas as they are in the City of Trivandrum. The Committee have therefore decided that appropriate changes be made in Sub-clause (2) of Clause 1 so that the measure when enacted, automatically may apply to all Municipal areas. Hence in sub-clause (2) of Clause I, for the words "City of Trivandrum" the words "Municipalities including the City of Trivandrum" have been substituted. The Committee have no other change to make.

Though no alteration has been made by the Committee in the main clause, they are of the opinion that the change effected in the operative portion in sub-clause (2) of Clause 1 is a substantial change in the Bill itself, and therefore they are of the view that the Bill as modified may be re-published.

(Sd.) S. Chattanatha Karayalar (Chairman.)

Thariathu Kunjithommen.

V. Chandamiah.

P. Vivekanandam.

D. Francis.

K. R. Narayanan.

N. Narayana Kurup.

P. Narayana Pillai.

P. S. Muhamed.

S. Krishna Pillai.

M. Padmanabha Pillai.

Trivandrum,
27th October 1941.

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

THE TRAVANCORE POLICE ACT
(AMENDMENT) BILL 1117.

(As Revised by the Select Committee.)

The words in italics denote the changes made by the committee.

Whereas it is expedient further to amend the Travancore Police Act of 1095, (Act IV of 1095) as amended by Act IX of 1108 for a certain purpose; It is hereby enacted as follows:—

1. (1) This Act may be called the Travancore Police (Amendment) Act, 111.

Short title, extent and commencement.

(2) It extends in the first instance to the *Municipalities including the City of Trivandrum*, and thereafter to such other places in the State as may from time to time be notified in this behalf by Our Government in Our Government Gazette.

(3) It shall come into force at once.

2. After Section 37 of the Travancore Police Act of 1095, (Act IV of 1095) as amended by Act IX of 1108, the following new section shall be added, namely:—

Insertion of a new section 37—A in Act IV of 1095.

“ 37—A. Any officer of Police may deliver to any pawn-broker, dealer in second-hand property or worker in metals a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawn-broker, dealer or worker as aforesaid, upon any article answering the description of any of the property set forth in any such list being offered him in pawn, for sale or otherwise, to inquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest Police Station the fact of such article having been offered and such name and address as may be given by the party offering it. Any pawn-broker, dealer or worker as aforesaid failing to comply with the requirements of this section without reasonable excuse shall be liable on conviction to fine not exceeding fifty rupees for every such offence. Such pawn-broker, dealer or worker as aforesaid may also detain, any person offering such article as aforesaid pending the arrival of the Police.”

Pawn-brokers etc., to report stolen property if tendered for pawn or for sale.

Office of the Secretary to the
Sri Mulam Assembly,
Trivandrum, 27th October 1941.

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

Annexure V.

REPORT OF THE SELECT COMMITTEE ON THE
PREVENTION OF CRUELTY TO ANIMALS ACT
(AMENDMENT) BILL.

To

The President,
Sri Mulam Assembly.

Sir,

We, the undersigned members of the Select Committee appointed to consider the Prevention of Cruelty to Animals Act (Amendment) Bill have considered the Bill and beg to submit this our.

REPORT.

The Bill was published in the Government Gazette dated the 8th April 1941.

The Committee are in general agreement with the provisions of the Bill, but in Clause 3 they are of the opinion that the enhanced punishment in the case of a second or subsequent offence committed within three years of the date of the previous offence is unnecessary. Hence the following:—

In Clause 3, the words (1) "in the case of a first offence", and (2) "and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months", shall be omitted.

The errors in printing noticed by the Committee have been corrected in the copy of the Bill attached herewith.

Since the Committee have not made substantial alterations in the Bill, they are of the view that the Bill as revised need not be republished.

(Sd.) S. Chattanatha Karayalar,
 ,, T. P. Velayudhan Pillai,
 ,, P. S. Muhamed,
 ,, K. P. Abraham,
 ,, N. V. Joseph,
 ,, G. Velu Pillai,
 ,, Kunju Panickar,
 ,, M. L. D'Cruz,
 ,, S. Narayana Pillai,
 ,, P. Kunjukrishnan,
 ,, S. Govinda Pillai,
 ,, D. Jeevanayakam,
 ,, N. Ramakrishna Pillai,
 ,, S. Krishna Pillai.

Trivandrum, 27th October 1941.

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

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

(As revised by the Select Committee.)

Whereas it is expedient further to amend the prevention of Cruelty to Animals Act (IV of 1079) as amended by Acts II of 1089 and X of 1096, for certain purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 111 .

Short title and commencement.

(2) It shall come into force at once.

2. For sub-sections (2) and (3) of Section 1 of the Prevention of Cruelty to Animals Act (IV of 1079) as amended by Acts II of 1089 and X of 1096 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:—

Amendment of Section 1, Act IV of 1079.

“(2) Our Government may, by notification in Our Government Gazette, extend, on and from a date to be specified in the notification, the whole or any part of this Act to such local areas as may be specified in such notification and may by like notification cancel or vary any such notification.”

3. For Section 3 of the said Act, the following shall be substituted, namely:—

Amendment of Section 3, Act IV of 1079.

“3. If any person (a) overdrives, beats, or otherwise treats any animal so as to subject it to unnecessary pain or suffering, or

Penalty for cruelty to animals and for sale of animals killed with unnecessary cruelty.

(b) binds, keeps, carries or consigns for carriage any animal in such manner or position as to subject it to unnecessary pain or suffering, or

(c) offers for sale or without reasonable cause has in his possession any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment, or

(d) offers for sale any dead animal or part of a dead animal which he has reason to believe has been killed in an unnecessarily cruel manner, or

(e) without reasonable cause abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst,

he shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month or with both.”

4. After Section 3 of the said Act, the following section shall be inserted, namely:—

Insertion of a new section 3 A in Act IV of 1979.

penalty for overloading animals.

“3 A. (1) If any person overloads any animal, he shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

(2) If the owner of any animal, or any person who, either as a trader, carrier or contractor or by virtue of his employment by a trader, carrier or contractor is in possession of, or in control of the loading of, any animal, permits the overloading of such animal, he shall be punished with fine which may extend to one hundred rupees.”

5. In Section 6 of the said Act, the brackets and figure “(1)” at the beginning of sub-section (1) shall be omitted and sub-sections (2) to (6) shall be omitted.

Amendment of Section 6 Act IV of 1979.

6. After Section 6 of the said Act, the following sections shall be inserted, namely:—

Insertion of new Sections 6 A and 6 B in Act IV of 1979.

“6A For the purposes of Sections 3A and 6, an owner or other person in possession or control of an animal shall be deemed to have permitted an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence.

Interpretation.

6 B. (1) Our Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a Magistrate.

Treatment and care of animals.

(2) The Magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or if the Veterinary Officer in charge of the area in which the animal is found or such other Veterinary Officer, as may be authorised in this behalf by rules made under Section 10 A, certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the Magistrate directs that it shall be sent to a Veterinary hospital or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the Veterinary Officer in charge of the area in which the infirmary is situated or such other Veterinary Officer as may be authorised in this behalf by rules made under Section 10 A.

- (4) The cost of transporting an animal to an infirmary or Veterinary hospital, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by Our Government:

Provided that when the Magistrate so orders, on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

- (5) If the owner refuses or neglects to pay such cost or to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.
- (6) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him."

7. In Section 7 of the said Act:—

Amendment of Section
7, Act IV of 1979.

- (a) after the word "owner" in both places where it occurs, the words "or is in charge" shall be inserted;
- (b) after the word "rupees," the following words shall be added, namely:—

"where he is the owner of the animal, or to fifty rupees where he is in charge of but not the owner of the animal."

8. After Section 8A, the following shall be inserted as Section 8B.

Insertion of a new Section
8B in Act IV of 1979.

- "8B. (1) If a District Magistrate, Magistrate of the First or Second Class, the Inspector-General of Police, or the District Superintendent of Police upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against this Act is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorise any Police Officer not below the rank of a Head Constable to enter and search the place.
- (2) The provisions of the Code of Criminal Procedure relating to searches under that Code shall so far as those provisions can be made applicable apply to search under sub-section (1)."

9. Section 9 shall be numbered as sub-section (1) and the following shall be added as sub-section (2), namely:—

Amendment of Section
9 Act IV of 1979.

(2) Any Police Officer who finds any animal so diseased or so severely injured or in such a physical condition that it cannot, in his opinion, be removed without cruelty, may, if the owner is absent or refuses to consent to the destruction of the animal, forthwith summon the Veterinary Officer in charge of the area in which the animal is found and if the Veterinary Officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that its destruction is desirable, the Police Officer may, after obtaining orders from a Magistrate, destroy the animal or cause it to be destroyed."

10. For Section 10 of the said Act, the following section shall be substituted, namely:—

Substitution of a new section for Section 10 in Act IV of 1979

"10. Any Police Officer who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designated in this behalf by rules made under Section 10 A; and such Police Officer may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination."

General power of seizure for examination.

11. After Section 10 of the said Act, the following sections shall be inserted, namely:—

Insertion of two new Sections 10 A and 10 B in Act IV of 1979.

" 10A. (1) Our Government may, by notification in Our Government Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, Our Government may make rules—

(a) prescribing the maximum weight of loads to be carried or drawn by any animal.

(b) prescribing conditions to prevent the overcrowding of animals;

(c) prescribing the period during which, and the hours between which buffaloes shall not be used for draught purposes;

- (d) prescribing the purposes to which fines realized under this Act may be applied including such purposes as the maintenance of infirmaries and Veterinary hospitals;
- (e) prohibiting the use of any bit or harness involving cruelty;
- (f) requiring person carrying on the business of a farrier to be licensed and registered; and
- (g) prescribing the manner in which cattle may be impounded in any place appointed for the purpose, so as to secure the provision of adequate space, food and water.

(3) If any person contravenes, or abets the contravention of any rule made under this section, he shall be punished with fine which may extend to fifty rupees,

10 B. No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be a public servant within the meaning of Section 15 of the Travancore Penal Code, "in respect of any-

thing in good faith done or intended to be done under this Act."

Indemnity
Office of the Secretary to the
Sri Mulam Assembly
Trivandrum, 27th October 1941.

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

ANNEXURE VI.

REPORT OF THE SELECT COMMITTEE ON THE
TRAVANCORE FISHERIES ACT
(AMENDMENT) BILL AND
THE TRAVANCORE FISHERIES ACT
(SECOND AMENDMENT) BILL.

To

The President,
Sri Mulam Assembly.

Sir,

We, the undersigned members of the Select Committee appointed to consider the Travancore Fisheries Act (Amendment) Bill and the Travancore Fisheries Act (Second Amendment) Bill have considered the Bills clause by clause and beg to submit this our

REPORT.

The two Bills were published in the Government Gazettes dated 15th July 1941 and 29th July 1941 respectively.

2. The Committee are of the view that the two Bills may be consolidated into one Amending Act. They have, therefore, re-drafted the Bill and made appropriate changes for the purpose.

3. In sub-clause (1) of the newly proposed Clause 24, the Committee are of the opinion that the words "attract or cause or allow migration of prawns into private waters by the use of sluices, gratings, gears, alluring lights or other such contrivances" are ambiguous. They have therefore recast the clause by substituting the following for the words commencing from "to attract or cause or allow migration" and ending with "means whatsoever." :—

"to attract prawns or cause or allow migration of prawns into private waters from any waters notified under sub-section (1) of Section 5 by the use of sluices, openings, alluring lights or other contrivances and catch, destroy, cause injury to or prevent escape of any such fish by the use of nets, gratings, gears or any other means whatsoever."

They have also added the words "by rules made" between the words "prescribed" and "under this" occurring in line 5 of sub-clause (1) of Clause 24 in the Bill.

4. The Committee are of the view that the fine of rupees five-hundred provided in clause (2) is excessive. They have therefore reduced it to rupees two hundred. -

5. The Committee are of the view that the maximum fee for license fixed at rupees three in the proviso to sub-clause (4) is not sufficient. They have therefore raised it to rupees four, leaving the discretion to Government to fix such rate as they may deem proper.

6. Since substantial alterations have been made in the Bill, the committee are of the opinion that the Bill as amended has to be republished in the Gazette.

7. A copy of the Bill, as amended, is appended herewith.

(Sd.) S. Chattanatha Karayalar (Chairman.)

„ M. R. Narayana Pillai

„ K. C. Karunakaran

„ K. P. Abraham.

„ D. Francis.

„ C. Ramankunjoo

„ M. L. D' Cruz

„ P. Vivekanandam.

„ K. R. Narayanan.

„ N. Narayana Kurup.

„ V. Chandamiah.

„ K. G. Govindan.

„ P. V. Mathai Chemparathy.

„ S. Krishna Pillai.

Trivandrum,
15th November 1941.

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

THE TRANANCORE FISHERIES ACT (AMENDMENT BILL).

(As revised by the Select Committee).

(The words italicised denote the amendment made by the Committee.)

Whereas it is expedient to amend the Travancore Fisheries Act, XI of 1097, for *certain purposes*; it is hereby enacted as follows:—

Preamble

1. (i) This Act may be called the Travancore Fisheries (Amendment) Act 111 .

Short title, extent and commencement.

- (ii) It extends to the whole of Travancore.
(iii) It shall come into force at once.

2. In Section 23 of the Travancore Fisheries Act, XI of 1097, *(herein after referred to as the said Act)* the following shall be added as an Explanation to that section, namely:—

Amendment to Section 23, Act XI of 1097,

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

3. After Section 23 of the *said Act*, the following new Section shall be added; namely:—

Addition of a new Section to Act XI of 1097.

“24. (1) 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 by rules made under this Section, to attract prawns or cause or allow migration of prawns into private waters from any waters notified under sub section (1) of Section 5 by the use of sluices openings allowing slights or other contrivances and catch destroy, cause injury to or prevent escape of any such fish by the use of nets, gratings, gears or any means whatsoever.

Prohibition against attracting prawns into private waters except under a license.

(2) Any person contravening the provisions of sub-section (1) shall, on conviction, be liable to a fine not exceeding two hundred rupees.

(3) Our Government may make rules for the purpose of giving effect to the provisions of this Section and prescribe therein the terms and conditions under which a license may be issued.

(4) Fee at such rates as may be fixed by Our Government by rules made under sub-section (3) shall be paid in respect of every license issued under sub-section (1):

Provided that the fee payable for any such license shall not exceed a sum calculated at rupees *four* per acre of the private waters into which prawns are attracted or caused or allowed to migrate.

(5) The breach of any rule made under sub-section (3) or of the conditions of any license issued under sub-section (1) shall be punishable with fine [which may extend to one hundred rupees.]

Office of the Secretary to the
Sri Mulam Assembly,
Trivandrum, 15th November 1941.

V. S. ARUMUKHOM PILLAI,
*Secretary to the
Sri Mulam Assembly.*

Annexure VII.

REPORT OF THE SELECT COMMITTEE ON THE
TRAVANCORE SUPPRESSION OF IMMORAL
TRAFFIC BILL.

To

The President,
Sri Mulani Assembly.

Sir,

We, the undersigned members of the Select Committee, appointed to consider the Travancore Suppression of Immoral Traffic Bill have considered the Bill clause by clause and beg to submit this our

REPORT.

The Bill was published in the Gazette dated 18th March 1941.

2. While agreeing generally with the principle underlying the Bill the Committee have thought it necessary to revise clauses 5 and 9 and to restrict the powers proposed to be conferred on the Police.

(a) Clause 5 penalises living on the earnings of prostitution. The Committee are of the opinion that the Section may be confined to the cases covered by clauses (a) and (b) if in such cases it is established that the person concerned is aiding, abetting or compelling prostitution. They are also of the view that the clause as so revised need not be restricted to municipal areas as now provided in sub-clause (3) Hence the following has been substituted for clause 5 :

" 5. Any person not below the age of eighteen years who lives with or habitually keeps company with or exercises control, direction or influence over the movements of a person living in prostitution, in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both."

(b) Clause 9 is restricted to cases where soliciting causes annoyance, danger or obstruction to passengers. The Committee think that no such restriction need be imposed. Hence the following:—

For clause 9, the following shall be substituted, namely:—

" 9. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place whether from within any house or building or not—

(a) by words, gestures, wilful and indecent exposure of his person or otherwise attracts or endeavours to attract attention for the purpose of prostitution or carnal intercourse, or

(b) solicits or molests any person or loiters for the purpose of prostitution or carnal intercourse, shall, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees.

(c) Clause 10 makes every offence a cognisable offence and authorises Police officers to arrest persons on bare suspicion. Clause 11 empowers the Police to search any house on suspicion. The Committee are of the view that such extraordinary powers need not, at this stage, be conferred on the police. They have therefore restricted powers of arrest to offences under Sections 7 and 9. Hence the following:— For Clause 10, the following shall be substituted, namely:—

“ 10. (1) Any Police officer not below the rank of Inspector on information, and if the offence is committed in his view, any Police Officer specially authorised in this behalf by the Inspector General of Police, may arrest without a warrant any person committing any offence punishable under Section 9.

(2) Any Police Officer may without an order from a Magistrate and without a warrant arrest any person who has been concerned in any offence punishable under Section 7 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that Section.”

(d) The Committee have also omitted the powers of entry under Clause 11. Hence the following:—

Clause 11 shall be omitted re-numbering Clause 12 as Clause 11.

3. The errors in printing noticed by the Committee have been corrected in the copy of the Bill attached. As the Committee have made substantial alterations, they are of the opinion that the Bill as revised may be re-published.

(Sd.) M. SIVATHANU PILLAI,
Chairman.

Subject to the Dissenting note and to the
right of moving the amendment—

(Sd.) N. Narayana Kurup,
” V. Chandamiah,
” P. V. Mathai Chemparrathy,
” T. C. Kesava Pillai,
” D. C. Joseph,
” T. Narayani Amma,
” M. Padmanabha Pillai,
” Padiyara Joseph Kunju,
” S. Krishna Pillai,
” E. P. Varughese,
” N. Kesava Panicker.

DISSENTING NOTE BY MR. N. NARAYANA KURUP.

It is seen from the preamble that "the Travancore Suppression of Immoral Traffic Bill is enacted to make better provision for the suppression of brothels and of traffic in women in Travancore". I too am of opinion that a statute law for combating the evil arising from prostitution is quite essential for a country if there is any such evil in any State. But in regard to Travancore, one of the most enlightened Native States in India, such a statute is not at all essential now. We do not see or hear of any brothel house or Street in this State as we see or hear elsewhere. We do not also see any public place where such promiscuous sexual intercourse for hire is going on in our State. The reason is plain. Literacy is greater in our State. Sense of morality also is greater. To conduct a brothel house, or to visit it, or to engage in prostitution is considered by both man and woman in our country as a sin and disgrace, bringing discredit upon the family. Further the State also has not permitted or encouraged the establishment of a brothel up to this.

It is stated in the Object and Reasons of the Bill that persons outside the State are taking advantage of the absence of a law of the kind in setting down here to indulge in prostitution or conducting brothels. I am not aware of any such instance wherein outsiders have settled down here for prostitution.

It is further said in the Object and Reasons that apart from decency and public morality, at least on grounds of public health, it is imperative that steps should be taken to deal with prostitution. If as a result of prostitution that public health has suffered such steps should be taken. What is the public health statistics? We are at a loss to know what investigations have been made? The public are further in the dark about the result of the investigation and statistics. I am not aware of any dis-peraging statistics which shows that our public health has gone down due to prostitution in our State.

Again, even by enacting a statute for suppression of prostitution, it is not possible to check it, if the prostitutes are not licensed and segregated. Even in countries where such segregation or isolation is made by the enactment of statute law, such evils are not removed. So long as there is no provision in our Bill for segregation of prostitutes, all such sinners will pass as respectable ladies and live in the midst of the people. Hence also we are not achieving the desired object by the Bill.

For the foregoing reasons I am not convinced of the necessity of arming ourselves with the necessary statutory power to deal with the problem as stated in the object and reasons of the Bill. To enact such a statute law, without the immediate necessity, will be to imitate the British Indian Statute for the sake of imitation. Hence I oppose the Bill.

Even if the Bill is so be passed, the power given to the Police officer under this Bill has to be curtailed. According to the amended sections

any Police officer, not below the Rank of an Inspector and any other Police man who has been specially authorised by the I. G. of Police can arrest an offender under Sections 7 and 9 without a warrant. According to Section 9, even a gesture or sign is enough to arrest without warrant.

A Police Officer in our country though a small Officer is all in all in his jurisdiction, he will have petty prejudices and likings as any other human being. Such instances are not rare. Therefore such powers of arrest without warrant shall not be given to him under this Bill, considering the nature of the offences falling under the Bill. It is possible that he may misuse the power for satisfying his own carnal pleasure. Therefore it will be better and safe to treat all the offences under the Bill as Summons Cases. No arrest for offences under this Bill be made without a warrant. If it is desirable to give the power of arrest without warrant for certain offences under the Bill, that power shall only be vested with a Police Officer not below the rank of an Assistant Superintendent of Police, a more matured brain and a more experienced hand who cannot be expected to misuse the power under cover of this Bill.

Trivandrum,
13th October 1941.

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

THE TRAVANCORE SUPPRESSION OF IMMORAL TRAFFIC BILL.

As revised by the Select Committee.

(The words in italics denote the amendments supported by the Committee.)

A BILL FOR THE SUPPRESSION OF BROTHELS AND IMMORAL TRAFFIC.

WHEREAS it is expedient to make better provision for the suppression of brothels and of traffic in women in Travancore; It is hereby enacted as follows:—

1. This Act may be called the Travancore Suppression of Immoral Traffic Act, 111

2. Our Government may, from time to time, by notification in Our Government Gazette, apply all or any of the provisions of this Act to the whole or any portion of Travancore from such date as may be specified in the notification, and may cancel or modify any such notification.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

- (a) "Brothel" means any house, room, or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution.
- (b) "Magistrate" means a salaried Magistrate of the First Class
- (c) "Prostitution" means promiscuous sexual intercourse for hire.

4. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Punishment for keeping a brothel or allowing premises to be used as a brothel.

(2) Any person who,

(a) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(b) being the lessor or landlord of any premises, or the agent of such lesser or landlord, lets the same or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel;

shall be punished with imprisonment: which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant, or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

5. Any person not below the age of eighteen years who lives with or habitually keeps company with or exercises control, direction or influence over the movements of, a person living in prostitution, in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Punishment for living on the earnings of prostitution.

6. Any person who takes or attempts to take or causes to be taken from one place to another any woman with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Importing etc. of women for prostitution.

Detention for prostitution in brothel or with intent.

7. (1) Any person who detains any woman against her will—

- (a) in any house, room or place in which the business of prostitution is carried on, or
- (b) in or upon any premises with intent that she may have sexual intercourse with any man other than her lawful husband,

shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) A person shall be presumed to detain a woman who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,

- (a) withholds from her any jewellery, wearing apparel or other property belonging to her, or
- (b) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by or by the direction of such person.

(3) Notwithstanding any law to the contrary, such a woman shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to, or to have been pledged by such woman by or to the person by whom she has been detained.

8. Any person who induces a woman to go from any place with intent that she may, for the purposes of prostitution

Procurator.

become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

9. *Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place whether from within any house or building or not—*

Soliciting for purposes of prostitution.

- (a) by words, gestures, wilful and indecent exposure of his person or otherwise attracts or endeavours to attract attention for the purpose of prostitution or carnal intercourse, or
- (b) solicits or molests any person or loiters for the purpose of prostitution or carnal intercourse.

shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees.

10. (1) Any Police Officer not below the rank of Inspector on information, and if the offence is committed in his view by the Inspector General of Police, may arrest without a warrant any person committing any offence punishable under Section 9.

Arrest without a warrant.

able under Section 9.

(2) Any Police Officer may without an order from a Magistrate and without a warrant arrest any person who has been concerned in any offence punishable under Section 7 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that section.

11. No Court inferior to that of a Magistrate as defined in clause (b) Trial of offences. of Section 3 shall try any offence under this Act.

Office of the Secretary to the
Sri Mulam Assembly,
Trivandrum 13th October 1941.

V. S. ARUMUKHOM PILLAI,
Secretary to the Sri Mulam
Assembly. T.O.

~~1123~~

Annexure VIII.

R. O. C. No. 1123/41/Legis.

The following Bill, together with the Statement of Objects and Reasons is published as ordered by the Dewan, under Rule 31 of the Travancore Legislative Rules.

(By order)

Huzur Cutcherry,
Trivandrum, 11th November 1941.

G. PARAMESWARAN FILLAI,
Ag. Chief Secretary to
Government.

THE TRAVANCORE COURT FEES ACT (AMENDMENT) BILL.

Preamble. Whereas it is expedient further to amend the Court Fees Act (VI of 1087) as amended by Acts VIII of 1100 and II of 1105 for a certain purpose ; it is hereby enacted as follows :—

1. (1) This Act may be called the Travancore Court Fees (Amendment) Act 111.
Short title, extent and commencement. (2) It extends to the whole of Travancore.
(3) It shall come into force at once.

2. In clause (g) of Section 13 of the Court Fees Act (VI of 1087) as amended by Acts VIII of 1100 and II of 1105 (hereinafter referred to as the said Act, between the words "execution of decrees" and the bracket which follows those words, the words "or for copies of judgments, decrees, orders or records in suits or proceedings" shall be inserted.
Amendment of Section 13, Act VI of 1087.

3. In Schedule II of the said Act, after item I the following shall be inserted as item IA, namely :—
Amendment of Schedule II, Act VI of 1087.

"IA. Certificates of Vakil's fees and Advocate's fees. Two chuckrams."

STATEMENT OF OBJECTS AND REASONS:

Under Section 13 (g) of the Court Fees Act, applications (other than those for execution of decrees) presented to the Munsiffs' Courts in non-appealable cases are declared to be not chargeable with any fee. The largest number of applications falling under this category are those relating to copies of records. It is

however observed that a large number of such applications is rejected for failure on the part of the applicants to proceed further with those applications. In most cases such applications are presented without good faith. This is an abuse of the privilege conferred on parties, resulting in much waste of public time. Complaints by applicants are also not infrequent that such applications are not properly posted in the registers kept for the purpose, but such allegations are never substantiated. After careful consideration of the whole question Government have come to the conclusion that it would be in public interest if a small fee of two chuckrams is levied in respect of such applications also. Hence the Bill. Steps are also taken for the same reasons to amend the Village Panchayat Courts Act.

Opportunity is also taken in this connection to amend the second Schedule to the Court Fees Act so as to authorise the levy of a similar fee of two chuckrams on certificates filed in Courts by Vakils and Advocates regarding payment of fees. Complaints have been received that certificates for payment of fees filed by Vakils and Advocates are often not brought into the registers maintained for the purpose and a practice has sprung up amongst the members of the legal profession of affixing two chuckrams Court Fee Stamps to such certificates as a matter of caution. It has been suggested that it would be to the better convenience of both parties to the litigation and the practising lawyers if the practice is regularised by making it obligatory to affix such certificates with a Court Fee Stamp of two chuckrams.

PUTHUPALLY S. KRISHNA PILLAI,
Legal Remembrancer.

Annexure IX.

R. O. C. No. 1127/41/Legis.

The following Bill, together with the Statement of Objects and Reasons, is published as ordered by the Dewan, under Rule 31 of the Travancore Legislative Rules.

(By order)

Huzur Cutcherry,
Trivandrum, 11th November 1941.

G. PARAMESWARAN PILLAI,
Ag. Chief Secretary to
Government.

**THE TRAVANCORE VILLAGE PANCHAYAT COURTS
ACT (AMENDMENT) BILL.**

Whereas it is expedient further to amend the Travancore Village Panchayat Courts Act (I of 1090) as amended by Acts II of 1106 and XI of 1114 for a certain purpose ; It is hereby enacted as follows :—

Preamble.

1. (1) This Act may be called the Travancore Village Panchayat Courts (Amendment) Act 111 .

Short title extent and commencement.

(2) It extends to the whole of Travancore.
(3) It shall come into force at once.

2. In the second proviso to Section 76 of the Travancore Village Panchayat Courts Act (I of 1090) as amended by Acts II of 1106 and XI of 1114, between the word "except" and the words "at the expense of the party" the words "on application duly stamped and" shall be inserted.

Amendment of Section 76 Act I of 1090.

STATEMENT OF OBJECTS AND REASONS.

It is proposed to amend the Court Fees Act for the levy of a fee of two chuckrams on every application for copies of records in small cause suits filed before the Munsiffs' Courts. What is stated of such applications is true of similar applications filed before Panchayat Courts also. It is therefore proposed to amend the Panchayat Courts Act for the same purpose. Hence the Bill.

PUTHURALLY S. KRISHNA PILLAI,
Legal Remembrancer.

~~13~~
Annexure X.

R. O. C. No. 1150/41/Legis.

The following Bill, together with the Statement of Objects and Reasons, is published as ordered by the Dewan, under Rule 31 of the Travancore Legislative Rules.

(By order)

G. PARAMESWARAN PILLAI,
Ag. Chief Secretary to Government.

Huzur Cutcherry,
Trivandrum, 15th November 1941.

THE TRAVANCORE INCOME TAX (AMENDMENT) BILL.

Preamble. Whereas it is expedient further to amend the Travancore Income Tax Act VIII of 1096, as amended by Acts V of 1100, X of 1112, XXVII of 1115 and XXII of 1116 for a certain purpose; It is hereby enacted as follows:—

1. (1) This Act may be called the Travancore Income Tax (Amendment) Act, 1117.

Short title, extent and commencement.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once.

2. In clause (b) of sub-section (1) of Section 2 of the Travancore Income Tax Act VIII of 1096, as amended by Acts V of 1100, X of 1112, XXVII of 1115 and XXII of 1116, for the words "any land" the words "such land" shall be substituted.

Amendment of Section 2, Act VIII of 1096.

Statements of objects and reasons.

There are extensive tracts of lands in the State in respect of which no land revenue is paid to Government. The persons in possession of such lands derive large income from the cultivation of such lands. Under the existing law, this income is put on the same basis as income derived from lands assessed to land revenue. The principle underlying the exemption of income derived from lands belonging to the latter category is easy to see as such income was taken into account at the time the lands were assessed to tax and as any further assessment of such income is likely to be treated as a double tax on the same income. But there can be no such justification in the case of lands in respect of which no land revenue is paid to the Government, but from which large income is derived by the owner or person in possession. The immunity enjoyed at present by persons deriving such income is due to the definition of the expression "agricultural income" given in section 2 (1) as income derived from any land in Travancore by agriculture. This definition when amended on the lines indicated in the Bill would restrict the scope of expression "agricultural income" to income derived from land assessed to land revenue or subject to a local rate assessed and collected by officers of Government.

PUTHUPALLY S. KRISHNA PILLAI,
Legal Remembrancer.

R. O. C. No. 1151/41/Legis

The following Bill, together with the Statement of Objects and Reasons, is published as ordered by the Dewan, under Rule 31 of the Travancore Legislative Rules.

(By order)

HUZUR CUTCERRY. G. PARAMESWARAN PILLAI,
Trivandrum, 24th November 1941. *Lt. Chief Secretary to Government.*

AN ACT TO AMEND THE LAW RELATING
TO FRAUDULENT MARKS ON
MERCHANDISE.

Whereas it is expedient to amend the law relating to fraudulent marks on merchandise; It is hereby enacted as follows:—

1. (1) This Act may be called the Travancore Merchandise Marks Act, 111—

Short title, extent and commencement.

(2) It extends to the whole of Travancore; and

(3) It shall come into force on.....

2. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

(1) "mark" has the meaning assigned to that expression in clause (d) of sub-section (1) of Section 2 of the Travancore Trade Marks Act, 111—

(2) "trade mark" means a "registered trade mark" as defined in clause (h) of sub-section (1) of Section 2 of the Travancore Trade Marks Act, 111—, or a mark used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade, between the goods and some person having the right as proprietor to use the mark;

(3) "trade description" means any description, statement or other indication, direct or indirect,—

(a) as to the number, quantity, measure, gauge or weight of any goods, or

(b) as to the place or country in which, or the time at which, any goods were made or produced, or

(c) as to the mode of manufacturing or producing any goods, or

(d) as to the material of which any goods are composed, or

(e) as to any goods being the subject of an existing patent, privilege or copyright; and the use of any mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters shall be deemed to be a trade description within the meaning of this Act.

(4) "false trade description" means a trade description which is untrue in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, where that alteration makes the description untrue in a material respect, and the fact that a trade description is a trade mark or part of a trade mark shall not prevent such trade description being a false trade description within the meaning of this Act.

(5) "goods" means anything which is the subject of trade or manufacture; and

(6) "name" includes any abbreviation of a name.

Trade Descriptions.

3. (1) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any such marks or arrangement or combination thereof whether including a trade mark or not, as are or is reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are, and to goods having such marks or arrangement or combination, applied thereto.

(2) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods any name or initials—

- (a) not being a trade mark, or part of a trade mark, and
- (b) being identical with, or a colourable imitation of the name or initials of a person carrying on business in connection with goods of the same description and not having authorised the use of such name or initials, and
- (c) being the name or initials of a fictitious person or of a person not carrying on business in connection with goods of the same description.

(3) A trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet or inches than there are contained therein standard yards, standard feet or standard inches is a false trade description.

4. (1) A person shall be deemed to apply a trade description to goods who—

Application of trade description.

- (a) applies it to the goods themselves, or

- (b) applies it to any covering, label, reel or other thing in or with which the goods are sold or are exposed or had in possession for sale or any purpose of trade or manufacture, or
- (c) places, encloses or annexes any goods which are sold, or are exposed or had in possession for sale or any purpose of trade or manufacture, in, with or to any covering, label, reel or other thing to which a trade description has been applied, or
- (d) uses a trade description in any manner reasonably calculated to lead to the belief that the goods in connection with which it is used or designated or described by that trade description.

(2) A trade description shall be deemed to be applied whether it is woven, impressed or otherwise worked into or annexed or affixed to the goods or any covering, label, reel or other thing.

(3) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper, and the expression "label" includes any band or ticket.

5. If a person applies a false trade description to goods, he shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, and in the case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

6. If a person sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, or which, being required by notification under Section 11 to have applied to them an indication of the country or place in which they were made or produced, are without the indication required by such notification, he shall, unless he proves—

- (a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade description, or that any offence against this section had been committed in respect of the goods, and
- (b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or
- (c) that otherwise he had acted innocently, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, and in case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

7. If a person tampers with, alters or effaces a mark which has been applied to any goods to which it is required to be applied by notification made under Section 11, he shall, unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, and in the case of a second or subsequent conviction, with imprisonment which may extend to two years, or with fine, or with both.

Penalty for tampering with, altering or effacing a mark applied in pursuance of Section 11.

Unintentional contravention of the law relating to Marks and Descriptions.

8. Where a person is accused under Section 485 of the Travancore Penal Code of using a false trade mark or property mark by reason of his having applied a mark to any goods, property or receptacle in the manner mentioned in Section 483 or Section 484 of that Code, as the case may be, or under Section 5 of this Act of applying to goods any false trade description, or under Section 488 of the Travancore Penal Code of making any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, and proves—

Unintentional contravention of the law relating to marks and descriptions.

- (a) that in the ordinary course of business he is employed, on behalf of other persons, to apply trade marks or property marks, or trade descriptions, or, as the case may be, to make dies, plates or other instruments for making, or being used in making, trade marks or property marks, and that in the case which is the subject of the charge he was so employed and was not interested in the goods or other thing by way of profit or commission dependent on the sale thereof, and
 - (b) that he took reasonable precautions against committing the offence charged, and
 - (c) that he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the mark or description, and
 - (d) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons on whose behalf the mark or description was applied.
- he shall be acquitted.

FORFEITURE OF GOODS.

9. (1) When a person is convicted under Section 485 of the Travancore Penal Code of using a false trade mark, or under Section 489 of that Code of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark applied thereto, or under Section 490 or Section 491 of that Code of making, or making use of, a false mark, or under Section

For forfeiture of goods.

5 or Section 6 of this Act of applying a false trade description to goods or of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied or which, being required by notification under Section 11 to have applied to them an indication of the country or place in which they were made or produced, or without the indication required by such notification or is acquitted on proof of the matter or matters specified in Section 489 of the Travancore Penal Code or Section 6 or Section 8 of this Act, the Court convicting or acquitting him may direct the forfeiture to Our Government of all goods and things by means of, or in relation to, which the offence has been committed or, but for such proof as aforesaid, would have been committed.

(2) When a forfeiture is directed on a conviction and an appeal lies against the conviction, an appeal shall lie against the forfeiture also.

(3) When a forfeiture is directed on an acquittal and the goods or things to which the direction relates are of value exceeding fifty rupees, an appeal against the forfeiture may be preferred, within thirty days from the date of the direction, to the Court to which in appealable cases appeals lie from sentences of the court which directs the forfeiture.

Stamping of piece goods, cotton yarn and thread.

10. (1) Piece goods, such as are ordinarily sold by length or by the piece, which have been manufactured, bleached, dyed, printed or finished in premises which are a factory, as defined in the Travancore Factories Act, VIII of 1114, shall not be removed for sale from the last of such premises in which they underwent any of the said processes without having conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece, and, except when the goods are sold from the factory for export from Travancore, without being conspicuously marked on each piece with the name of the manufacturer, or of the occupier of the premises in which the piece was finally processed or of the wholesale purchaser in India of the piece.

(2) Cotton yarn such as is ordinarily sold in bundles, and cotton sewing or darning thread, which have been manufactured, bleached, dyed or finished in premises which are a factory, as defined in the Travancore Factories Act, VIII of 1114, shall not be removed for sale from those premises unless in accordance with any rules made under Section 19 of this Act, in the case of yarn the bundles are conspicuously marked with an indication of the weight of yarn in each bundle and the count of the yarn contained in the bundle and in the case of thread each unit is conspicuously marked with the weight of thread in the unit and the grist number and except where the goods are sold from the factory for export from Travancore, unless each bundle or unit is conspicuously marked with the name of the manufacturer or of the wholesale purchaser in India of the goods.

(3) If any person removes or attempts to remove or causes or attempts to cause to be removed for sale from such premises or sells or exposes or has in possession for sale any such piece goods or any such cotton yarn or any cotton sewing or darning thread which is not marked as required by sub-section (1) and sub-section (2), every such piece and every such bundle of yarn and all such thread, and everything used for the packing thereof, shall be forfeited to Our Government and such person shall be punished with fine which may extend to one thousand rupees.

Power to require goods to show indication of origin.

11. Our Government may, by notification in Our Government Gazette, require that goods of any class specified in the notification which are made or produced beyond the limits of Travancore and imported into Travancore, or which are made or produced within the limits of Travancore, shall, from such date as may be appointed by the notification not being less than three months from its issue, have applied to them an indication of the country or place in which they were made or produced.

(2) The notification may specify the manner in which such indication shall be applied, that is to say, whether to the goods themselves or in any other manner, and the times or occasions on which the presence of the indication shall be necessary, that is to say, whether on importation only, or also at the time of sale, whether by wholesale or retail or both.

(3) No notification under this section shall be issued, unless application is made for its issue by persons or associations substantially representing the interests of dealers in or manufacturers, producers, or users of the goods concerned, or unless Our Government are otherwise convinced that it is necessary in the public interest to issue the notification, nor without such inquiry as Our Government may consider necessary.

(4) The provisions of Section 6 of the Travancore General Clauses Act of 1072 shall apply to the issue of a notification under this section as they apply to the making of a rule the making of which is subject to the condition of previous publication.

(5) A notification under this section shall not apply to goods made or produced beyond the limits of Travancore and imported into Travancore if in respect of those goods the Chief Customs Officer is satisfied at the time of importation that they are intended for exportation whether after transshipment in or transit through Travancore or otherwise.

Supplemental Provisions.

12. In the case of goods brought into Travancore by sea, evidence of the port of shipment shall, in a prosecution for an offence against this Act or Section 17 of the Travancore Sea Customs Act of 1088, as amended by this Act, be *prima facie* evidence of the place or country in which the goods were made or produced.

Evidence of origin of goods imported by sea.

13. (1) On any such prosecution as is mentioned in the last foregoing section or on any prosecution for an offence against any of the sections of the Travancore Penal Code, as amended by this Act, which relate to trade, property and other marks, the Court may order costs to be paid to the defendant by the prosecutor or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

(2) Such costs shall, on application to the Court, be recoverable as if they were a fine.

14. No such prosecution as is mentioned in the last foregoing section shall be commenced after the expiration of three years next after the commission of the offence, or one year after the first discovery thereof by the prosecutor, whichever expiration first happens.

15. (1) Our Government may, by notification in Our Government Gazette, issue instructions for observance by Criminal Courts in giving effect to any of the provisions of this Act.

(2) Instructions under sub-section (1) may provide, among other matters, for the limits of variation, as regards number, quantity, measure, gauge or weight, which are to be recognised by Criminal Courts as permissible in the case of any goods.

16. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the seller shall be deemed to warrant that the mark is a genuine mark and not counterfeit or falsely used, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the seller and delivered at the time of the sale or contract to and accepted by the buyer.

17. (1) Nothing in this Act shall exempt any person from suit or other proceeding which might, but for anything in this Act, be brought against him.

(2) Nothing in this Act shall entitle any person to refuse to make a complete discovery or to answer any question or interrogatory in any suit or other proceeding, but such discovery or answer shall not be admissible in evidence against such person in any such prosecution as is mentioned in Section 13.

(3) Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in Travancore who in good faith acts in obedience to the instructions of such master, and on demand made by or on behalf of the prosecutor, has given full information as to his master and as to the instructions which he has received from his master.

18. For the purpose of Section 10 of this Act and clause (f) of Section 17 of the Travancore Sea Customs Act of 1088, as amended by this Act, Our Government may, by notification in Our Government Gazette declare what classes of goods are included in the expression piece-goods, such as are ordinarily sold by length or by the piece.

19. (1) Our Government may make rules, for the purposes of this Act, to provide, with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selection of the samples.

Determination of character of goods by sampling.

(2) Our Government may make rules providing for the manner in which for the purposes of Section 10 cotton yarn and cotton sewing or darning thread shall be marked with the particulars required by that section.

(3) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court or officer of Customs, as the case may be, having occasion to ascertain the number, quantity, measure, gauge or weight of the goods, shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

(4) The average of the results of the testing in pursuance of rules under sub-section (1) or of an order under sub-section (3) shall be *prima facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(5) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1) or of an order under sub-section (3), desires that any further samples of the goods be selected and tested, they shall, on his written application and on the payment in advance by him to the Court or officer of Customs, as the case may be, of such sums for defraying the cost of the further selection and testing as the Court or officer may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by Our Government in this behalf or as, in the case of goods with respect to which provision is not made in such rules, the Court or officer of Customs may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1), or in sub-section (3), as the case may be.

(6) The average of the results of the testing referred to in sub-section (4) and of the further testing under sub-section (5) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(7) Rules under this section shall be made after previous publication.

20. An officer of Our Government whose duty it is to take part in the enforcement of this Act shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Act.

Information as to
commission of of-
fence.

21. If any person, being within Travancore, abets the commission, without Travancore, of any act which, if committed in Travancore, would, under this Act or under any section of that part of Chapter XVIII of the Travancore Penal Code which relates to trade, property and other marks, be an offence, he may be tried for such abetment in any place in Travancore in which he may be found and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted.

Punishment of
abetment in Travancore
of acts done out
of Travancore.

22. In Section 17 of the Travancore Sea Customs Act of 1088,—

Amendment of
Section 17, Act V
of 1088.

(a) In clause (d),—

(i) after the words "or a false trade description", the following shall be inserted, namely,—

"within the meaning of the Travancore Merchandise Marks Act, 111—";

(ii) the explanation shall be omitted ;

(b) in clause (e),—

(i) for the words "the United Kingdom or of India" in both places where they occur, and for the words "the United Kingdom or in India" the word "Travancore" shall be substituted ;

(ii) in sub-clause (2), for the words "in the same language and character as the name or trade mark" the words "in the English language" shall be substituted ;

(c) in clause (f),—

(i) sub-clause (2) shall be renumbered as sub-clause (3), and the following shall be inserted as sub-clause (2) namely :—

"(2) have not been conspicuously marked on each piece with the name of the manufacturer, exporter or wholesale purchaser in India of the piece, and", and

(ii) in sub-clause (3) as so renumbered, for the words "Factory Law, for the time being, of Travancore" the words and figures "the Travancore Factories Act, VIII of 1114" shall be substituted ;

(d) after clause (f), the following clauses shall be added namely:—

“(g) goods which are required by a notification under Section 11 of the Travancore Merchandise Marks Act, 111—, to have applied to them an indication of the country or place in which they were made or produced, unless such goods show such indication applied in the manner specified in the notification;

(h) cotton yarn such as is ordinarily imported, in bundles, if—

(i) the bundle containing such yarn has not been conspicuously marked with the name of the manufacturer, exporter or wholesale purchaser in India of the goods, or

(ii) such bundle has not been conspicuously marked with an indication of the weight and the count of the yarn contained in it, in accordance with the rules made under Section 19 of the Travancore Merchandise Marks Act, 111—, and

(iii) the yarn has been manufactured beyond the limits of India, or

(iv) having been manufactured within those limits, has been manufactured beyond the limits of Travancore in premises which, if they were in Travancore would be a factory as defined in the Travancore Factories Act, VIII of 1114;

(e) cotton sewing or darning thread, if—

(i) the units in which the thread is supplied have not been conspicuously marked with the name of the manufacturer, exporter or wholesale purchaser in India of the goods, or

(ii) if each unit has not been conspicuously marked with an indication of the weight of thread contained in it and the grist number in accordance with the rules made under Section 19 of the Travancore Merchandise Marks Act, 111—, and

(iii) the thread has been manufactured beyond the limits of India, or

(iv) having been manufactured within those limits, has been manufactured beyond the limits of Travancore in premises which, if they were in Travancore would be a factory as defined in the Travancore Factories Act, VIII of 1114”.

23. In sub-section (3) of Section 19 of the Travancore Sea Customs Act of 1088, for the words “and in the same language and character” the words “in the English language” shall be substituted.

Amendment of
Section 19, Act V of
1088,

24. For Section 481 of the Travancore Penal Code, the following section shall be substituted, namely :—

Substitution of new
section for Section
481, Act I of 1074

“481. For the purposes of this Code, the expression “trade mark” includes a trade mark registered under the Travancore Trade Marks Act, 111 - and any mark used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade between the goods and some person having the right to use the mark”.

25. In Section 483 of the Travancore Penal Code, for the words “are the manufacture or merchandise of a person whose manufacture or merchandise they are not” the following words shall be substituted, namely:—

Amendment of
Section 483, Act I
of 1074.

“have a connection in the course of trade with a person with whom they have not any such connection.”

STATEMENT OF OBJECTS AND REASONS.

The advance of industry and commerce makes it necessary that there should be special provisions to prevent the fraudulent marking of merchandise such as the application of false trade descriptions. Though a Bill for the purpose was in the contemplation of Government for some time past, no progress was made owing to the absence of a proper statute dealing with registration of trade marks. The Travancore Trade Marks Bill since introduced is now under consideration by the Legislature. It is proposed by the present Bill to amend to a great extent the law relating to marking of merchandise. It is also necessary that there should be some provision for insisting on an indication of the place of origin or other trade description being given in the case of some goods so that the consumer and the general public may know the place of production or the character of the goods. Hence the Bill. Advantage is also taken of this opportunity to make certain amendments to the Travancore Penal Code and the Travancore Sea Customs Act. This bill is based on the Indian Merchandise Marks Act (Act IV of 1889) as amended by Act II of 1941.

PUTHUPALLY S. KRISHNA PILLAI,

Legal Remembrancer.

Annexure I.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE CUTCHI MEMONS BILL.

To

The President,
Sri Mulam Assembly.

Sir,

We, the undersigned members of the Select Committee appointed to consider the Travancore Cutchi Memons Bill, have considered the Bill and beg to submit this our

REPORT

2. The Bill was published in the Government Gazette dated the 5th September 1939.

3. On 6th June 1940 when the Committee met for the first time, it was resolved that the opinion of the leading members of the Cutchi Memon community, in whose law of succession and inheritance the Bill proposes to make a definite change, should be ascertained. Accordingly, the Committee adjourned. A list of representative leaders of the community was furnished by the Member in charge of the Bill and the Member co-opted for the purpose of the Bill. In response to the invitation issued on the basis of the list several witnesses appeared before the Committee and expressed their full agreement with the principles of the Bill. Some others who were unable to be present before the Committee intimated to the Chairman their full concurrence with the provisions of the Bill. The Committee take this opportunity to express their thanks to the above persons.

4. On an examination of the Preamble and the several clauses of the Bill the Committee note that the Bill as worded is applicable only to intestate succession. The Committee are satisfied that the members of the community desire to have the law so altered that the Muhamedan Law is made applicable to all matters of inheritance and succession and that it should not be restricted to intestate succession alone, leaving testamentary and other powers capable of being exercised to defeat succession, to be left unaffected. The Committee have accordingly made the Bill applicable to all matters of succession and inheritance. As the Committee think that the change made by the Committee is one affecting the principle of the Bill as published, it is necessary that the Bill as revised should be republished. The Committee have accordingly redrafted the Bill, a copy of which is appended to this Report.

5. As the Bill as redrafted, has made material alteration, the Committee are of the view that the Bill so redrafted may be published in the Government Gazette.

(Sd.) S. Chattanatha Karayalar (Chairman)
„ M. K. Macker Pillai.
„ N. Narayana Kurup.
„ C. Raman Kunju.

(Sd.) K. P. Abraham.
" N. R. Krishnan.
" H. M. Isaac Sait.
" Joseph Vithayathil.
" S. Narayana Pillai.
" T. Narayani Amma.
" N. M. Md. Abdul Kadir.
" T. P. Velayudhan Pillai.
" K. C. Karunakaran.
" P. S. Muhamed.
" S. Krishna Pillai.

Trivandrum,
4th November 1941.

V. S. ABUMUGHAM PILLAI,
Secretary to the Sri Mulam Assembly.

Annexure II.

THE TRAVANCORE CUTCHI MEMONS BILL.

(As revised by the Select Committee.)

WHEREAS it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Muhamedan Law; It is hereby enacted as follows:—

1. (1) This Act may be called the Travancore Cutchi Memons Act, 111.

Short title and commencement. (2) It shall come into force at once.

2. Subject to the provisions of Section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by the Muhamedan Law.

Cutchi Memons to be governed in certain matters by Muhamedan Law.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability; and any such legal proceeding or remedy may be continued or enforced as if this Act had not been passed.

Office of the Secretary to the
Sri Mulam Assembly,

Trivandrum, 4th November 1941.

V. S. ARUMUGHAM PILLAI,
Secretary to the Sri Mulam Assembly.

Annexure I.

MINUTES OF THE MEETING OF THE STANDING FINANCE COMMITTEE HELD ON THE 21ST MARCH 1942.

The second meeting of the Standing Finance Committee of the Sri Chitra State Council and the Sri Mulam Assembly constituted for 1117 M. E., was held in the Chief Secretary's room, Huzur Office, at 12 noon on Saturday the 21st March 1942. M. R. Ry. Rajyasevapravina G. Parameswaran Pillai Avl., B. A., B. L., Chief Secretary to Government presided under authorisation from the Dewan.

The following members were present : —

1. Sahib Bahadur T. Mahomed Ismail, B. A., LL. B.,
Member, Sri Chitra State Council
2. M. R. Ry. M. R. Narayana Pillai Avl., Barrister-at-Law,
Member, Sri Mulam Assembly.
3. M. R. Ry. Varkala K. Madhavan Avl., B. A., B. L.,
Member, Sri Mulam Assembly.
4. M. R. Ry. A. Lakshminarayana Ayyar Avl., B. A.,
Financial Secretary to Government.
5. M. R. Ry. C. P. Gopala Panickar Avl., B. A., B. L.,
Ag. Secretary to Government.

At the outset, Mr. M. R. Narayana Pillai raised two points for the consideration of Government.

Firstly, he said that whenever the postponement of any particular meeting was notified to the members of the Committee, the Government should state the reasons therefor.

Secondly, he pointed out that in regard to the convening of the meetings of the Finance Committee, there should at least be a week's interval between the sittings of the Committee and the commencement of the meeting of the Legislature.

The Chief Secretary said that both the points would be noted.

1. *Demand IV—Forest.* The Committee considered the proposal to provide a supplementary grant of Rs. 1,957 under the head Forest (a) Direction to make provision for the Bee Expert and his staff transferred from the Agricultural Department. The Conservator of Forests who was called in at the meeting explained in detail the object of the proposal. It was agreed to by the Committee.

2. *Demand XXX—Scientific and Miscellaneous Departments—Stores Purchase Committee.* The proposal to provide an additional allotment of Rs. 2,310 for the continuance of the repair section of the Stores Purchase Committee till the end of the current Malabar year was next considered and approved by the Committee.

3. *Demand XXXI—Miscellaneous charges.* The Committee then approved the proposal to provide a lump sum of Rs. 5,000 for the relief of distress of refugees from Malaya, Singapore, Rangoon and other places.

4. *Demand X—Clay Refining and Porcelain Factory.* The Committee next considered the proposal for a supplementary grant of Rs. 58,990 under Demand X—Capital outlay on clay refining and porcelain factory for completing certain works in the Ceramic Factory and for payments on account of certain purchases made for the factory. Mr. Mahomed Ismail enquired why the necessary provision was not made at the time of framing the year's Budget. The Chief Secretary observed that the department was engaged in the task of executing war orders that were received from time to time and that the extent of such orders could not be anticipated beforehand. The proposal was thereupon approved by the Committee.

5. *Demand XXI—Industries.* The Committee then took up for consideration the proposal for an additional allotment of Rs. 7,500 under Demand XXI Industries for carrying out prospecting work in respect of Mica, Graphite &c. The State Geologist, who was present at the meeting explained in detail the necessity for the allotment. The Committee thereupon agreed to the provision of Rs. 7,500 on account of the scheme.

6. *Demand XXXVI—Debt Head—Advance to the Agricultural Department.* The proposal to provide an amount of Rs. 30,000 for purchasing and stocking manures for sale to cultivators was next considered by the Committee. Mr. K. R. Narayana Aiyar, Director of Agriculture, was also present at the meeting. He stressed the vital need to augment the production of food stuff in the country and to explore ways and means for making the State self-sufficient in the matter of its food supply. As intensive cultivation was the only feasible method of increasing the production of food, it was proposed by means of this allotment to stock and sell large quantities of manures at representative centres and to carry on a vigorous drive among agriculturists in the coming cultivation season. The proposal was agreed to by the Committee.

The statement of expenditure relating to the Budget for 1117 authorised by Government under Section 32 of the Legislative Reforms Act was also distributed to the members of the Committee.

The Committee adjourned at 12-30 P. M.

C. P. GOPALA PANICKER,
Convener, Standing Finance Committee.

Annexure II.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE CIVIL PROCEDURE CODE AMENDMENT BILL.

To

The President,

Sri Mulam Assembly.

Sir,

We, the undersigned members of the Select Committee appointed to consider the Travancore Civil Procedure Code Amendment Bill, have considered the Bill clause by clause and beg to submit this our

REPORT.

The Bill was published in the Government Gazette dated the 25th February 1941.

After a careful and anxious consideration of the various provisions of the Bill, we have come to the conclusion that it is unnecessary to make the changes contained in Clauses 2, 3, 6 and 9.

The existing provisions of the Civil Procedure Code both here and in British India do not prohibit the simultaneous execution of decrees by more than one court 14 M. I. A. 529, 8 Cal. 687, 22 T. L. R. 83, 48 T. L. R. 331, 17 T. L. J. 311 and 14 T. L. T. 987. The scheme of the Code, however, is to vest the control of the execution of a decree in the court which passed the decree. Any attempt to relax that control will, in the view of the Committee, lead to undesirable consequences. The Committee also feel that the proposed changes will not result in any appreciable advantage to the decree-holder or bring about speedier execution of decrees. The British Indian Code which is adopted by us was passed in 1908, and it is significant that no changes in this direction have been found necessary there as yet. The Committee have therefore decided to omit Clauses 2, 3 and 6.

With regard to Clause 9, the Committee have to state further that the principle underlying Section 116 of the Civil Procedure Code is that the Court which passed the decree alone is competent to correct the decree; if the decree was passed by an appellate court the appellate court alone can correct the decree. Hence, if the power of correcting a decree is conferred upon the executing court, it will be an encroachment upon this well-recognised principle.

The other clauses have been retained and re-numbered. Clause 4 (re-numbered 2) has been re-drafted as follows, and consequential changes have been made in Clauses 5, 7 and 8.

"2. In Section 38-A of the Code of Civil Procedure, 1100 (Act VIII of 1100) as amended by Acts X of 1100, III of 1101 and II of 1116 (hereinafter referred to as the said Code), in clause (a) of sub-section (1), between the words "His Majesty the King Emperor of India" and the words "may be executed in Travancore" the following words shall be inserted, namely:—

Amendment of Section 38A, Act VIII of 1100.

"or of the High Court of Judicature at Rangoon, all the District Courts in Burma, or the Supreme Court of the Colony of Aden."

The Committee have no alterations to make in the other clauses.

The Committee are of the opinion that the Bill need not be republished.

(Sd.) E. Subramonia Aiyar
 „ N. Ramakrishna Pillai
 „ Padiyara Joseph Kunju
 „ M. L. D'Cruz
 „ P. S. Mohammed
 „ G. Velu Pillai
 „ P. Vivekanandam
 „ C. Jebamony Nadar
 „ P. Kunjukrishnan
 „ K. Dominic Joseph
 „ M. R. Narayana Pillai
 „ P. Narayana Pillai
 „ Puliyoor T. P. Velayudhan Pillai
 „ - S. Krishna Pillai.

Trivandrum,
 4th March 1942.

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

v

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

(As revised by the Select Committee).

*(The words in italics denote the changes
made by the Committee.)*

A BILL FURTHER TO AMEND THE CODE OF CIVIL PROCEDURE, 1100.

Whereas it is expedient further to amend the Code of Civil Procedure 1100 (Act VIII of 1100) as amended by Acts X of 1100, III of 1101 and II of 1116 for certain purposes: It is hereby enacted as follows:—

Preamble.

1. (1) This Act may be called the Civil Procedure Code Amendment Act, 111 .

Short title, extent and commencement.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once.

2. In Section 38—A of the *Code of Civil Procedure, 1100 (Act VIII of 1100) as amended by Acts X of 1100, III of 1101 and II of 1116 (hereinafter referred to as the said Code)*, in clause (a) of sub-section (1), between the words "His Majesty the King Emperor of India" and the words "may be executed in Travancore" the following words shall be inserted, namely:—

"or of the High Court of Judicature at Rangoon, all the District Courts in Burma, or the Supreme Court of the Colony of Aden."

3. In the Explanation to Section 40 of the said Code, the following words shall be added after substituting a comma for the full stop, namely:—

Amendment of Section 40, Act VII of 1100.

"but a defendant against whom the plaintiff has abandoned his claim and a person in regard to whom an order striking him off from the array of parties as an unnecessary party has become final, are not parties to the suit."

4. In Section 52, Sub-section (1) proviso of the said Code,

Amendment of Section 52, Act VIII of 1100.

(a) in clause (h), for the brackets and words "being less than salary)", the following shall be substituted, namely:—

"to the extent of a moiety of the salary or a sum of fourteen rupees per mensem, whichever is larger";

(b) the following shall be added as a new clause, namely:—
 “(o) grants in-aid by Government to educational institutions except in execution of a decree for recovery of a debt incurred for the establishment or management of the institution”; and

(c) in the Explanation, for the word, brackets and letter “and (k)”, the word, brackets and letters “(k) and (o)” shall be substituted.

5. For Section 109 of the said Code, the following shall be substituted, namely —

Amendment of
 Section 109, Act
 VIII of 1100.

“109. Where any person has become liable as surety, or has given any property as security, in accordance with the law relating to transfer of property for the time being in force,

Enforcement of
 liability of surety.

- (a) for the performance of any decree or any part thereof, or
 (b) for the restitution of any property taken in execution of a decree, or
 (c) for the payment of any money, or for the fulfilment of any condition imposed on any person, under an order of the Court in any suit or in any proceeding consequent thereon, the decree or order may be executed against him, or, as the case may be, the security may be enforced, to the extent to which he has rendered himself liable, in the manner herein provided for the execution of decrees, and such person shall, for the purposes of appeal be deemed a party within the meaning of Section 40:

Provided that such notice as the Court in each case thinks sufficient has been given to such person; and

Provided further that in the case of any property having been given as security the Court may, if it thinks fit to do so, direct that the enforcement of the security shall be by a separate suit.

Office of the Secretary to
 the Sri Mulam Assembly,
 Trivandrum, 4th March 1942.

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

Annexure III.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE MERCHANDISE MARKS BILL.

To

The President.

Sri Mulam Assembly.

Sir,

We the undersigned members of the Select Committee appointed to consider the Travancore Merchandise Marks Bill, have considered the Bill clause by clause and beg to submit this our

REPORT.

The Bill was published in the Gazette dated 25th November 1941.

The Committee have no change to make and they recommend that the Bill as published be adopted.

The clerical errors noticed by the Committee have been corrected and formal changes necessitated by the enactment of the Travancore Trade Marks Act have also been made in the copy of the Bill attached herewith.

As no substantial change has been made, the Bill need not be republished.

(Sd). S. Chattanatha Karayalar (Chairman)
 „ N. Ramakrishna Pillai
 „ N. M. Md. Abdul Kadar
 „ M. Ramiah Pillai
 „ T. Narayani Amma
 „ T. C. Kesava Pillai
 „ T. T. Kesava Sastri
 „ K. G. Govindan
 „ K. C. Karunakaran
 „ J. W. Tolson
 „ Puliyoor T. P. Velayudhan Pillai
 „ S. Govinda Pillai
 „ S. Krishna Pillai

Trivandrum,
10th March 1942.

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

THE TRAVANCORE MERCHANDISE MARKS BILL.

(As revised by the Select Committee.)

*(The words in italics denote the changes
made by the Committee.)*

AN ACT TO AMEND THE LAW RELATING TO FRAUDULENT
MARKS ON MERCHANDISE.

Whereas it is expedient to amend the law relating to fraudulent
marks on merchandise; It is hereby enacted as
follows:—

Preamble.

1. (1) This Act may be called the Travancore Merchandise Marks
Short title, extent Act, 111 .
and commencement.

(2) It extends to the whole of Travancore; and

(3) It shall come into force on such date as Our Government
may notify in that behalf.

2. In this Act, unless there is something repugnant in the subject
Definitions. or context,—

(1) "mark" has the meaning assigned to that expression in clause
(d) of sub-section (1) of Section 2 of the Travancore Trade Marks Act,
1117;

(2) "Trade mark" means a "registered trade mark" as defined in
clause (h) of sub-section (1) of Section 2 of the Travancore Trade Marks
Act, 1117, or a mark used in relation to goods for the purpose of indi-
cating or so as to indicate a connection in the course of trade between
the goods and some person having the right as proprietor to use the
mark;

(3) "trade description" means any description, statement or other
indication, direct, or indirect,—

(a) as to the number, quantity, measure, gauge or weight of any
goods, or

(b) as to the place or country in which, or the time at which
any goods were made or produced, or

(c) as to the mode of manufacturing or producing any goods, or

(d) as to the material of which any goods are composed, or

(e) as to any goods being the subject of an existing patent,
privilege or copyright;

and the use of any mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters shall be deemed to be a trade description within the meaning of this Act;

(4) "false trade description" means a trade description which is untrue in a material respect as regards to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, where that alteration makes the description untrue in a material respect, and the fact that a trade description is a trade mark or part of a trade mark shall not prevent such trade description being a false trade description within the meaning of this Act;

(5) "goods" means anything which is the subject of trade or manufacture; and

(6) "name" includes any abbreviation of a name.

Trade Descriptions.

3. (1) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any such marks or arrangement or combination thereof, whether including a trade mark or not, as are or is reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are, and to goods having such marks or arrangement or combination, applied thereto.

Provisions supplemental to the definition of false trade description.

(2) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods any name or initials—

(a) not being a trade mark, or part of a trade mark, and

(b) being identical with, or a colourable imitation of the name or initials of a person carrying on business in connection with goods of the same description and not having authorised the use of such name or initials, and

(c) being the name or initials of a fictitious person or of a person not carrying on business in connection with goods of the same description.

(3) A trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet or inches

than there are contained therein standard yards, standard feet or standard inches is a false trade description.

4. (1) A person shall be deemed to apply a trade description to goods who—
Application of trade descriptions,

- (a) applies it to the goods themselves, or
- (b) applies it to any covering, label, reel or other thing in or with which the goods are sold or are exposed or had in possession for sale or any purpose of trade or manufacture, or
- (c) places, encloses or annexes any goods which are sold, or are exposed or had in possession for sale or any purpose of trade or manufacture, in, with or to any covering, label, reel or other thing to which a trade description has been applied, or
- (d) uses a trade description in any manner reasonably calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade description.

(2) A trade description shall be deemed to be applied whether it is woven, impressed or otherwise worked into or annexed or affixed to the goods or any covering, label, reel or other thing.

(3) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper, and the expression "label" includes any band or ticket.

5. If a person applies a false trade description to goods, he shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, and in case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

6. If a person sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, or which, being required by notification under Section 11 to have applied to them an indication of the country or place in which they were made or produced, are without the indication required by such notification, he shall, unless he proves—

- (a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade description, or that any offence against this section had been committed in respect of the goods, and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or

(c) that otherwise he had acted innocently,

be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees and in case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

7. If a person tampers with, alters or effaces a mark which has been applied to any goods to which it is required to be applied by notification made under Section 11, he shall, unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, and, in case of a second or subsequent conviction, with imprisonment which may extend to two years, or with fine, or with both.

Penalty for tampering with, altering or effacing a mark applied in pursuance of Section 11.

Unintentional contravention of the law relating to Marks and Descriptions.

8. Where a person is accused under Section 485 of the Travancore Penal Code of using a false trade mark or property mark by reason of his having applied a mark to any goods, property or receptacle in the manner mentioned in Section 483 or Section 484 of that Code, as the case may be, or under Section 5 of this Act of applying to goods any false trade description, or under Section 488 of the Travancore Penal Code of making any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, and proves—

Unintentional contravention of the law relating to marks and descriptions.

(a) that in the ordinary course of business he is employed, on behalf of other persons, to apply trade marks or property marks, or trade descriptions, or, as the case may be, to make dies, plates or other instruments for making, or being used in making, trade marks or property marks, and that in the case which is the subject of the charge he was so employed and was not interested in the goods or other thing by way of profit or commission dependent on the sale thereof, and

(b) that he took reasonable precautions against committing the offence charged, and

(c) that he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the mark or description, and

(d) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons on whose behalf the mark or description was applied,

he shall be acquitted.

Forfeiture of Goods.

9. (1) When a person is convicted under Section 485 of the Travancore Penal Code of using a false trade mark, or under Section 489 of that Code of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark applied thereto, or under Section 490 or Section 491 of that Code of making, or making use of, a false mark, or under Section 5 or Section 6 of this Act of applying a false trade description to goods or of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied or which, being required by notification under Section 11 to have applied to them an indication of the country or place in which they were made or produced, are without the indication required by such notification or is acquitted on proof of the matter or matters specified in Section 489 of the Travancore Penal Code or Section 6 or Section 8 of this Act, the Court convicting or acquitting him may direct the forfeiture to Our Government of all goods and things by means of, or in relation to, which the offence has been committed or, but for such proof as aforesaid, would have been committed.

(2) When a forfeiture is directed on a conviction and an appeal lies against the conviction, an appeal shall lie against the forfeiture also.

(3) When a forfeiture is directed on an acquittal and the goods or things to which the direction relates are of value exceeding fifty rupees, an appeal against the forfeiture may be preferred, within thirty days from the date of the direction, to the Court to which in appealable cases appeals lie from sentences of the Court which directed the forfeiture.

Stamping of piece-goods, cotton yarn and thread.

10. (1) Piece-goods, such as are ordinarily sold by length or by the piece, which have been manufactured, bleached, dyed, printed or finished in premises which are a factory, as defined in the Travancore Factories Act, VIII of 1114, shall not be removed for sale from the last of such premises in which they underwent any of the said processes without having conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece and, except when the goods are sold from the factory for export from

Travancore, without being conspicuously marked on each piece with the name of the manufacturer, or of the occupier of the premises in which the piece was finally processed or of the whole-sale purchaser in India of the piece.

(2) Cotton yarn such as is ordinarily sold in bundles, and cotton sewing or darning thread, which have been manufactured, bleached, dyed or finished in premises which are a factory, as defined in the Travancore Factories Act, VIII of 1114, shall not be removed for sale from those premises unless in accordance with any rules made under Section 19 of this Act, in the case of yarn the bundles are conspicuously marked with an indication of the weight of yarn in each bundle and the count of the yarn contained in the bundle, and in the case of thread each unit is conspicuously marked with the weight of thread in the unit and the grist number and, except where the goods are sold from the factory for export from Travancore, unless each bundle or unit is conspicuously marked with the name of the manufacturer or of the whole-sale purchaser in India of the goods.

(3) If any person removes or attempts to remove or causes or attempts to cause to be removed for sale from such premises or sells or exposes or has in possession for sale any such piece goods or any such cotton yarn or any cotton sewing or darning thread which is not marked as required by sub-section (1) and sub-section (2), every such piece and every such bundle of yarn and all such thread, and everything used for the packing thereof, shall be forfeited to Our Government and such person shall be punished with fine which may extend to one thousand rupees.

Power to require goods to show indication of origin.

11. (1) Our Government may, by notification in Our Government Gazette, require that goods of any class specified in the notification which are made or produced beyond the limits of Travancore and imported into Travancore, or which are made or produced within the limits of Travancore, shall, from such date as may be appointed by the notification not being less than three months from its issue, have applied to them an indication of the country or place in which they were made or produced.

(2) The notification may specify the manner in which such indication shall be applied, that is to say, whether to the goods themselves or in any other manner, and the times or occasions on which the presence of the indication shall be necessary, that is to say, whether on importation only, or also at the time of sale, whether by wholesale or retail or both.

(3) No notification under this section shall be issued, unless application is made for its issue by persons or associations substantially representing the interests of dealers in or manufacturers, producers, or

users of the goods concerned, or unless Our Government are otherwise convinced that it is necessary in the public interest to issue the notification, nor without such inquiry as Our Government may consider necessary.

(4) The provisions of Section 6 of the Travancore General Clauses Act of 1072 shall apply to the issue of a notification under this section as they apply to the making of a rule the making of which is subject to the condition of previous publication.

(5) A notification under this section shall not apply to goods made or produced beyond the limits of Travancore and imported into Travancore if in respect of those goods the Chief Customs Officer is satisfied at the time of importation that they are intended for exportation whether after transshipment in or transit through Travancore or otherwise.

Supplemental Provisions.

12. In the case of goods brought into Travancore by sea, evidence of the port of shipment shall, in a prosecution for an offence against this Act or Section 17 of the Travancore Sea Customs Act of 1088, as amended by this Act, be *prima facie* evidence of the place or country in which the goods were made or produced.

Evidence of origin of goods imported by sea.

13. (1) On any such prosecution as is mentioned in the last foregoing section or on any prosecution for an offence against any of the sections of the Travancore Penal Code, as amended by this Act, which relate to trade, property and other marks, the Court may order costs to be paid to the defendant by the prosecutor or to the prosecutor by the defendant having regard to the information given by and the conduct of the defendant and prosecutor respectively.

Costs of defence or prosecution.

(2) Such costs shall, on application to the Court, be recoverable as if they were a fine.

14. No such prosecution as is mentioned in the last foregoing section shall be commenced after the expiration of three years next after the commission of the offence, or one year after the first discovery thereof by the prosecutor, whichever expiration first happens.

Limitation of prosecution.

15. (1) Our Government may, by notification in Our Government Gazette, issue instructions for observance by Criminal Courts in giving effect to any of the provisions of this Act.

Authority of Government to issue instructions as to administration of this Act.

(2) Instructions under sub-section (1) may provide, among other matters, for the limits of variation, as regards number, quantity, measure, gauge or weight, which are to be recognised by Criminal Courts as permissible in the case of any goods.

16. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the seller shall be deemed to warrant that the mark is a genuine mark and not counterfeit or falsely used, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the seller and delivered at the time of the sale or contract to and accepted by the buyer.

Implied warranty on sale of marked goods.

17. (1) Nothing in this Act shall exempt any person from any suit or other proceeding which might, but for anything in this Act, be brought against him.

Savings.

(2) Nothing in this Act shall entitle any person to refuse to make a complete discovery or to answer any question or interrogatory in any suit or other proceeding, but such discovery or answer shall not be admissible in evidence against such person in any such prosecution as is mentioned in Section 13.

(3) Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in Travancore who in good faith acts in obedience to the instructions of such master, and on demand made by or on behalf of the prosecutor, has given full information as to his master and as to the instructions which he has received from his master.

18. For the purpose of Section 10 of this Act and clause (f) of Section 17 of the Travancore Sea Customs Act of 1088, as amended by this Act, Our Government may, by notification in Our Government Gazette declare what classes of goods are included in the expression piece-goods, such as are ordinarily sold by length or by the piece.

Definition of piece-goods

19. (1) Our Government may make rules, for the purpose of this Act, to provide with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selection of the samples.

Determination of character of goods by sampling.

(2) Our Government may make rules providing for the manner in which for the purposes of Section 10 cotton yarn and cotton sewing or darning thread shall be marked with the particulars required by that section.

(3) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court or Officer of Customs, as the case may be, having occasion to ascertain the number, quantity, measure, gauge or weight of the goods, shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

(4) The average of the results of the testing in pursuance of rules under sub-section (1) or of an order under sub-section (3) shall be *prima facie* evidence of the number, quantity measure, gauge or weight as the case may be, of the goods.

(5) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1) or of an order under sub-section (3), desires that any further samples of the goods be selected and tested, they shall, on his written application and on the payment in advance by him to the Court or Officer of Customs, as the case may be, of such sums for defraying the cost of the further selection and testing as the Court or Officer may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by Our Government in this behalf or as, in the case of goods with respect to which provision is not made in such rules, the Court or Officer of Customs may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1) or sub-section (3) as the case may be.

(6) The average of the results of the testing referred to in sub-section (4) and of the further testing under sub-section (5) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(7) Rules under this Section shall be made after previous publication.

20. An officer of Our Government whose duty it is to take part in the enforcement of this Act shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Act.

Information as to commission of offence.

21. If any person, being within Travancore, abets the commission, without Travancore, of any act which if committed in Travancore, would, under this Act or under any Section of that part of Chapter XVIII of the Travancore Penal Code which relates to trade, property and other marks, be an offence, he may be tried for such abetment in any place in Travancore in which he may be found and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted.

Punishment of abatement in Travancore of acts done out of Travancore.

22. In Section 17 of the Travancore Sea Customs Act of 1088,

Amendment of Section 17, Act V of 1088.

(a) in clause (d)—

(i) after the words "or a false trade description", the following shall be inserted, namely:—

"within the meaning of the Travancore Merchandise Marks Act, 111—"

(ii) the Explanation shall be omitted;

(b) in clause (e),—

- (i) for the words "the United Kingdom or of India" in both places where they occur, and for the words "the United Kingdom or in India" the word "Travancore" shall be substituted,
- (ii) in sub-clause (2), for the words "in the same language and character as the name or trade mark" the words "in the English language" shall be substituted;

(c) in clause (f),—

- (i) sub-clause (2) shall be renumbered as sub-clause (3) and the following shall be inserted as sub-clause (2), namely :—
 - (2) have not been conspicuously marked on each piece with the name of the manufacturer, exporter or wholesale purchaser in India of the piece, and", and
- (ii) in sub-clause (3) as so renumbered, for the words "Factory Law, for the time being, of Travancore" the words and figures "the Travancore Factories Act, VIII of 1114, shall be substituted.

(d) after clause (f), the following clauses shall be added, namely :—

"(g) goods which are required by a notification under Section 11 of the Travancore Merchandise Marks Act 111—, to have applied to them an indication of the country or place in which they were made or produced, unless such goods show such indication applied in the manner specified in the notification"

(h) cotton yarn such as is ordinarily imported, in bundles, if—

- (i) the bundle containing such yarn has not been conspicuously marked with the name of the manufacturer, exporter or wholesale purchaser in India of the goods, or
- (ii) such bundle has not been conspicuously marked with an indication of the weight and the count of the yarn contained in it, in accordance with the rules made under Section 19 of the Travancore Merchandise Marks Act, 111—, and
- (iii) the yarn has been manufactured beyond the limits of India, or
- (iv) having been manufactured within those limits, has been manufactured beyond the limits of Travancore in premises which if they were in Travancore would be a factory as defined in the Travancore Factories Act, VIII of 1114 ;

(i) cotton sewing or darning thread, if—

- (i) the units in which the thread is supplied have not been conspicuously marked with the name of the manufacturer, exporter or wholesale purchaser in India of the goods or

- (ii) if each unit has not been conspicuously marked with an indication of the weight of thread contained in it and the grist number in accordance with the rules made under Section 19 of the Travancore Merchandise Marks Act, 111—, and
- (iii) the thread has been manufactured beyond the limits of India, or
- (iv) having been manufactured within those limits has been manufactured beyond the limits of Travancore in premises which, if they were in Travancore would be a factory as defined in the Travancore Factories Act, VIII of 1114."

23. In sub-section (3) of Section 19 of the Travancore Sea Customs Act of 1088, for the words "and in the same language and character" the words "in the English language" shall be substituted.

Amendment of Section 19, Act V of 1088.

24. For Section 481 of the Travancore Penal Code, the following Section shall be substituted namely —

Substitution of new Section for Section 481, Act I of 1074.

"481. For the purposes of this Code the expression "trade mark" includes a trade mark registered under the Travancore Trade Marks Act, 1117, and any mark used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade between the goods and some person having the right to use the mark".

25. In Section 483 of the Travancore Penal Code, for the words "are the manufacture or merchandise of a person whose manufacture or merchandise they are not" the following words shall be substituted, namely:—

"have a connection in the course of trade with a person with whom they have not any such connection."

Amendment of Section 483, Act I of 1074.

Office of the Secretary to the
Sri Mulam Assembly,
Trivandrum, 10th March 1942.

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

Annexure IV.

R. O. C. No. 259/42'Legis.

The following Bill, together with the Statement of Objects and Reasons, is published as ordered by the Dewan under Rule 31 of the Travancore Legislative Rules.

(By order)

HUZUR CUTOCHERRY, G. PARAMESWARAN PILLAI,
Trivandrum, 10th March 1942. *Chief Secretary to Government.*

THE TRAVANCORE OFFICIAL TRUSTEE BILL.

(As revised by the Select Committee.)

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN
OFFICIAL TRUSTEE.

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THE TRAVANCORE OFFICIAL TRUSTEE BILL.

An Act to provide for the appointment of an Official Trustee.

WHEREAS it is expedient to provide for the appointment of
an Official Trustee;

Preamble.

It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Travancore Official Trustee Act, 1117.
- Short title, extent and commencement. (2) It extends to the whole of Travancore.
- (3) It shall come into force on such date as Our Government, by notification in Our Government Gazette, may direct.

PART II.

THE OFFICE OF OFFICIAL TRUSTEE.

2. (1) Our Government shall appoint an Official Trustee.
- Official Trustee. (2) No person shall be appointed to the office of Official Trustee who is not—
- (a) an Advocate enrolled by Our High Court; or
- (b) a person already in the service of Our Government.
3. Our Government may appoint a Deputy or Deputies to assist the Official Trustee; and any Deputy so appointed shall, subject to the control of Our Government and the general or special orders of the Official Trustee, be competent to discharge any of the duties and exercise any of the powers of the Official Trustee, and, when discharging such duties or exercising such powers, shall have the same privileges and be subject to the same liabilities as the Official Trustee.
- Appointments and powers of Deputy Official Trustee.
4. The Official Trustee shall be a corporation sole by the name of the Official Trustee and as such Official Trustee, shall have perpetual succession and an official seal, and may sue and be sued in his corporate name.
- Official Trustee to be corporation sole, to have perpetual succession and official seal, and to sue and be sued in his corporate name.

PART III.

RIGHTS, POWERS, DUTIES AND LIABILITIES OF OFFICIAL TRUSTEE.

5. (1) Subject to, and in accordance with, the provisions of this Act and the rules made thereunder, the Official Trustee may, if he thinks fit,—

General powers and duties of Official Trustee.

(a) act as an ordinary trustee;

(b) be appointed trustee by a Court of competent jurisdiction.

(2) Save as hereinafter expressly provided, the Official Trustee shall have the same powers, duties and liabilities, and be entitled to the same rights and privileges and be subject to the same control and orders of the Court as any other trustee acting in the same capacity.

(3) The Official Trustee may decline, either absolutely or except on such conditions as he may impose, to accept any trust.

(4) The Official Trustee shall not accept any trust under any composition or scheme of arrangement for the benefit of creditors, nor of any estate known or believed by him to be insolvent.

(5) The Official Trustee shall not, save as provided by any rules made under this Act, accept any trust for any religious purpose or any trust which involves the management or carrying on of any business.

(6) The Official Trustee shall not administer the estate of a deceased person, unless he is expressly appointed sole executor of, and sole trustee under, the will of such person.

(7) The Official Trustee shall always be sole trustee, and it shall not be lawful to appoint the Official Trustee to be trustee along with any other person.

6. (1) Any person intending to create a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act may by the instrument creating the trust and with the consent of the Official Trustee, appoint him by that name or any other sufficient description to be the trustee of the property subject to such trust:

Official Trustee may with consent be appointed trustee of settlement by grantor.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

(2) Upon such appointment the property subject to the trust shall vest in such Official Trustee, and shall be held by him upon the trusts declared in such instrument.

7. When the Official Trustee has by that name or any other sufficient description been appointed trustee under any will, the executor of the will of the testator or the administrator of his estate shall, after obtaining probate or letters of administration, notify in the prescribed manner the contents of such will to such Official Trustee; and, if such Official Trustee consents to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Official Trustee, such property shall vest in such Official Trustee, and shall be held by him upon the trusts expressed in the said will:

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

8. (1) If any property is subject to a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act, and there is no trustee within Travancore willing or capable to act in the trust, Our High Court may, on application, make an order for the appointment of the Official Trustee by that name with his consent to be the trustee of such property.

(2) Upon such order such property shall vest in the Official Trustee and shall be held by him upon the same trusts as the same was held previously to such order, and the previous trustee or trustees (if any) shall be exempt from liability as trustees of such property save in respect of acts done before the date of such order.

9. (1) If any property is subject to a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act, and all the trustees or the surviving or continuing trustee or trustees and all persons beneficially interested in the trust are desirous that the Official Trustee shall be appointed in the room of such trustee or trustees, it shall be lawful for such trustee or trustees, by an instrument in writing to appoint the Official Trustee by that name or any other sufficient description with his consent to be the trustee of such property:

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by him.

(2) Upon such appointment such property shall vest in the Official Trustee and shall be held by him upon the same trusts as the same was held previously to such appointment, and the previous trustee or trustees shall be exempt from all liability as trustees of such property save in respect of acts done before the date of such appointment.

10. (1) If any infant or lunatic is entitled to any gift, legacy or share of the assets of a deceased person, it shall be lawful for the person by whom such gift is made, or executor or administrator by whom such legacy or share is payable or transferable or any trustee of such gift, legacy or share, to transfer the same by an instrument in writing to the Official Trustee by that name or any other sufficient description with his consent :

Executor or administrator may pay to Official Trustee legacy, share, etc., of infant or lunatic.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

(2) Any money or property transferred to the Official Trustee under this section shall vest in him and shall be subject to the same provisions as are contained in this Act as to other property vested in such Official Trustee.

11. (1) No Official Trustee shall be required by any Court to enter into any bond or security on his appointment in any capacity under this Act.

Official Trustee not to be required to give bond or security.

(2) No Official Trustee or Deputy Official Trustee shall be required to verify otherwise than by his signature any petition presented by him under the provisions of this Act, and if the facts stated in any such petition are not within the Official Trustee's personal knowledge, the petition may be verified and subscribed by any person competent to make the verification.

12. The entry of the Official Trustee by that name in the books of a company shall not constitute notice of a trust; and a company shall not be entitled to object to enter the name of the Official Trustee on its register by reason only that the Official Trustee is a corporation; and, in dealing with property, the fact that the person dealt with is the Official Trustee shall not of itself constitute notice of a trust.

Entry of Official Trustee not to constitute notice of a trust.

13. The revenues of Our Government shall be liable to make good all sums required to discharge any liability which the Official Trustee, if he were a private trustee, would be personally liable to discharge, except when the liability is one to which neither the Official Trustee nor any of his officers has in any way contributed or which neither he nor any of his officers could by the exercise of reasonable diligence have averted, and in either of these cases the Official Trustee shall not, nor shall the revenues of Our Government be subject to any liability.

Liability of Government.

14. Nothing in Section 65 of the Code of Civil Procedure, 1100, shall apply to any suit against the Official Trustee in which no relief is claimed against him personally.

Notice of suit not required in certain cases.

PART IV.

FEES.

15. (1) There shall be charged in respect of the duties of the Official Trustee such fees, whether by way of percentage or otherwise, as Our Government may prescribe.

Fees.

(2) The fees under this section may be at different rates for different properties or classes of properties or for different duties, and shall, so far as may be, be arranged so as to produce an amount sufficient to discharge the salaries and all other expenses incidental to the working of this Act (including such sum as Our Government may determine to be required to insure the revenues of Our Government against loss under this Act).

16. (1) All expenses which might be retained or paid out of the trust fund, if the Official Trustee were a private trustee, shall be so retained or paid, and any fees leviable under this Act shall be retained or paid in like manner as and in addition to such expenses.

Disposal of fees.

(2) The Official Trustee shall transfer and pay to such authority and in such manner and at such times as Our Government may prescribe, all fees received by him under this Act, and the same shall be carried to the account and credit of Our Government.

PART V.

AUDIT.

17. (1) The accounts of the Official Trustee shall be audited at least once annually and at any other time if Our Government so direct by the prescribed person and in the prescribed manner.

Auditors to be appointed to examine Official Trustee's accounts, etc., and to report to Government.

(2) The auditor shall examine such accounts and shall forward to Our Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by him showing—

(a) whether the accounts contain a full and true account of everything which ought to be contained therein, and

(b) whether the books, which by any rules made under this Act are directed to be kept by the Official Trustee, have been duly and regularly kept, and

(c) whether the trust funds and securities have been duly kept and invested and deposited in the manner prescribed by this Act or any rules made thereunder;

or (as the case may be) that such accounts are deficient, or that the Official Trustee has failed to comply with this Act or the rules made thereunder in such respects as may be specified in such certificate.

18. (1) Every auditor shall have the powers of a Civil Court under the Code of Civil Procedure, 1100,

Auditor's power to summon witnesses and to call for documents.

(a) to summon any person whose presence he may think necessary to attend him from time to time, and

(b) to examine any person on oath to be by him administered, and

(c) to issue a commission for the examination on interrogatories or otherwise of any person, and

(d) to summon any person to produce any document or thing the production of which appears to be necessary for the purposes of such audit or examination,

(2) Any person who, when summoned, refuses, or without reasonable cause neglects, to attend or to produce any document or thing or attends and refuses to be sworn, or to be examined shall be deemed to have committed an offence within the meaning of, and punishable under, Section 181 of the Travancore Penal Code, and the auditor shall report every case of such refusal or neglect to Our Government.

19. The cost of and incidental to every such audit and examination shall be determined in accordance with the rules made by Our Government and shall be defrayed in the prescribed manner.

Cost of audit, etc., how paid.

20. Every beneficiary under a trust which is being administered by the Official Trustee shall, subject to such conditions and restrictions as may be prescribed, be entitled, at all reasonable times, to inspect the accounts of such trust, and the report and certificate of the auditor and, on payment of the prescribed fee, to be furnished with copies thereof or extracts therefrom.

Right of beneficiary to inspection and copies of accounts.

PART VI.

MISCELLANEOUS.

21. When any moneys payable to a beneficiary under a trust have been in the hands of the Official Trustee for a period of twelve years or upwards in consequence of the Official Trustee having been unable to trace the person entitled to receive the same, such moneys shall be transferred in the prescribed manner to the account and credit of

Transfer to Government of accumulations in the hands of Official Trustee.

Our Government:

Provided that no such moneys shall be so transferred if any suit or proceeding is pending in respect thereof in any Court.

22. (1) If any claim is made to any moneys so transferred and such claim is established to the satisfaction of the prescribed authority, Our Government shall pay to the claimant the amount in respect of which the claim is established.

Mode of proceeding by claimant to recover money so transferred.

(2) If such claim is not established to the satisfaction of the prescribed authority, the claimant may, without prejudice to his right to take any other proceedings for the recovery of such moneys,

apply by petition to Our High Court against Our Government and, after taking such evidence as it thinks fit, such Court shall make such order on the petition in regard to the payment of such moneys as it thinks fit, and such order shall be binding on all parties to the proceedings.

(3) The Court may further direct by whom all or any part of the costs of such proceedings shall be paid.

23. Our High Court may make such orders as it thinks fit respecting any trust property vested in the Official Trustee, or the interest or produce thereof.

Power of High Court to make orders in respect of property vested in Official Trustee.

24. Any order under this Act may be made, on the application of any person beneficially interested in any trust property or of any trustee thereof.

Who may apply for order under Act.

25. Any order made by Our High Court under this Act shall have the same effect as a decree.

Order of Court to have effect of a decree.

26. The Official Trustee may, in addition to and not in derogation of any other powers of expenditure lawfully exercisable by him, incur expenditure—

General powers of administration.

(a) on such acts as may be necessary for the proper care and management of any property belonging to any trust administered by him; and

(b) with the sanction of Our High Court on such religious, charitable and other objects and on such improvements as may be reasonable and proper in the case of such property.

27. (1) Nothing in this Act shall be deemed to prevent the transfer by the Official Trustee of any property vested in him to—

Transfer of trust property by Official Trustee to original trustee or any other trustee.

- (a) the original trustee (if any); or
- (b) any other lawfully appointed trustee; or
- (c) any other person if the Court so directs.

(2) Upon such transfer such property shall vest in such trustee, and shall be held by him upon the same trusts as those upon which it was held prior to such transfer, and the Official Trustee shall be exempt from all liability as trustee of such property except in respect of acts done before such transfer;

Provided that, in the case of any transfer under this section, the Official Trustee shall be entitled to retain out of the property any fees leviable in accordance with the provisions of this Act.

28. (1) Our Government shall make rules for carrying into effect the objects of this Act and for regulating the proceedings of the Official Trustee in the discharge of his duties.

Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the accounts to be kept by the Official Trustee and the audit and inspection thereof;

(b) the safe custody, and deposit of the funds and securities which come into the hands of the Official Trustee;

(c) the remittance of sums of money in the hands of the Official Trustee in cases in which such remittances are required;

(d) the statements, schedules and other documents to be submitted by the Official Trustee to Our Government or to any other authority and the publication of such statements, schedules or other documents;

(e) the realisation of the cost of preparing any such statements, schedules or other documents;

(f) subject to the provisions of this Act, the fees to be paid thereunder and the collection and accounting for any fees so fixed;

(g) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed;

(h) the manner in which summonses issued under the provisions of Section 18 are to be served and the payment of the expenses of any persons summoned or examined under the provisions of this Act and of any expenditure incidental to such examination;

(i) the acceptance by the Official Trustee of trusts for religious purposes and trusts which involve the management or carrying on of business; and

(j) any matter in this Act directed to be prescribed.

(3) Rules made under the provisions of this Section shall be published in Our Government Gazette, and shall thereupon have effect as if enacted in this Act.

29. Nothing contained in this Act shall be deemed to effect the provisions of the Travancore Registration Act, 1087.

Savings of provisions of the Travancore Registration Act, 1087.

STATEMENT OF OBJECTS AND REASONS.

At present, there is no statute law governing the powers, duties and liabilities of trustees, nor is there any law which empowers a public officer to undertake and discharge the duties of a trustee: This has led to great abuses in the administration of trusts, both public and private. It has therefore become highly necessary in public interests that there should be a public functionary capable of accepting and administering trusts, whose actions are subjected to constant scrutiny and control, and for whose good conduct there is a proper guarantee. Hence the Bill. It provides for the appointment by Government of an official trustee with power to undertake and administer trusts of certain kinds, subject to specified limitation and restrictions. Vide Clause 5. It also imposes a charge on the State revenues for certain liabilities incurred by the Official Trustee. The Bill follows closely the provisions of the British Indian Official Trustees Act, II of 1913.

PUTHUPALLI S. KRISHNA PILLAI,
Legal Remembrancer to Government.

- 10 Power to direct Administrator-General to collect and hold assets until right of succession or administration is determined.
- 11 Grant of probate or letters of administration to person appearing in the course of proceedings taken by Administrator-General under Sections 9 and 10.
- 12 Grant of administration to Administrator-General in certain cases.
- 13 Administrator General not precluded from applying for letters within one month after death.
(b) Revocation of grants.
- 14 Recall of Administrator-General's administration and grant of probate, etc. to executor or next-of-kin.
- 15 Cost of obtaining administration, etc., may, on revocation, be ordered to be paid to Administrator-General out of assets.
- 16 After revocation, letters granted to Administrator-General to be deemed as to him to have been voidable only.
- 17 Payments made by Administrator-General prior to revocation.
(c) General.
- 18 Administrator-General's petition for grant of letters of administration.
- 19 Name in which probate or letters to be granted.
- 20 Effect of probate or letters granted to Administrator-General.
- 21 Transfer by private executor or administrator of interest under probate or letters.
- 22 Distribution of assets.
- 23 Appointment of official Trustee as trustee of assets after completion of administration.
- 24 Power for High Court to give directions regarding administration of estate.
- 25 No security nor oath to be required from Administrator-General manner in which petition to be verified by Administrator General and his Deputy. Entry of Administrator-General not to constitute notice of a trust.
- 26 Power to examine on oath.
(d) Grant of certificates.
- 27 In what case Administrator-General may grant certificate
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- 29 Administrator-General not bound to grant certificate unless satisfied of claimant's title, etc.
- 30 Effect of certificate
- 31 Revocation of certificate.
- 32 Surrender of revoked certificate.
- 33 Administrator-General not bound to take out administration on account of assets for which he has granted certificate.
- 34 Transfer of certain assets from Travancore to executor or administrator in country of domicile for distribution.

(e) Liability.

- 35 Liability of Government.
- 36 Creditor's suits against Administrator-General.
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PART IV.

Fees.

- 38 Fees.
- 39 Disposal of fees.

PART V.

Audit of the Administrator General's Accounts.

- 40 Audit of Administrator-General's accounts.
- 41 Auditors to examine accounts and report to Government.
- 42 Power of auditors to summon and examine witnesses, and to call for documents.
- 43 Costs of audit, etc.

PART VI.

Miscellaneous.

- 44 General powers of administration.
- 45 Power of person beneficially interested to inspect Administrator-General's account, etc., and take copies.
- 46 Power to make rules.
- 47 False evidence.
- 48 Assets unclaimed for twelve years to be transferred to Government.
- 49 Mode of proceeding by claimant to recover principal money so transferred.
- 50 District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator-General.
- 51 Order of Court to be equivalent to decree.
- 52 Provision for administration by Consular Officer in case of death in certain circumstances of foreign subject.
- 53 Saving of provisions of Travancore Registration Act, 1087.
- 54 Companies Act not to affect Administrator-General.

A BILL TO PROVIDE FOR THE APPOINTMENT
OF AN ADMINISTRATOR-GENERAL.

Preamble. WHEREAS it is expedient to provide for the appointment of an Administrator-General. It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Travancore Administrator-General's Act, 1117.
Short title, General's Act, 1117.
extent and com- (2) It extends to the whole of Travancore.
mencement.

(3) It shall come into force on such date as Our Government may, by notification in Our Government Gazette, direct.

2. In this Act, unless there is anything repugnant in the subject or context,

Interpretation (1) "assets" means all the property, movable and immovable, of a deceased person, which is chargeable with and applicable to, the payment of his debts and legacies, or available for distribution among his heirs and next-of-kin.

(2) "Letters of Administration" includes any letters of administration whether general or with a copy of the will annexed, or limited in time or otherwise,

(3) "next-of-kin" includes a widower or widow of a deceased person, or any other person who by law would be entitled to letters of administration in preference to a creditor or legatee of the deceased.

(4) "Prescribed" means prescribed by rules under this Act.

PART II.

THE OFFICE OF ADMINISTRATOR-GENERAL.

3. (1) Our Government shall appoint an Administrator-General for the whole of Travancore.

Appointment and designation of the Administrator-General. (2) No person shall be appointed to the office of Administrator-General who is not—

- (a) an Advocate enrolled by Our High Court, or
- (b) a person already in the service of Our Government.

4. Our Government may appoint a Deputy or Deputies to assist the Administrator-General; and any Deputy so appointed shall, subject to the control of Our Government and the general or special orders of the Administrator-General, be competent to discharge any of the duties and to exercise any of the powers of the Administrator-General, and when discharging such duties or exercising such powers shall have the same privileges and be subject to the same liabilities as the Administrator-General.

Appointment and powers of Deputy Administrators-General.

5. The Administrator-General shall be a corporation sole by the name of the Administrator-General, and, as such Administrator-General, shall have perpetual succession and an official seal, and may sue and be sued in his corporate name.

Administrator-General to be a corporation sole, to have perpetual succession and official seal, and to sue and be sued in his corporate name.

PART III.

Rights, powers, duties and liabilities of the Administrator-General.

(a) Grants of Letters of Administration and Probate.

6. So far as regards the Administrator-General Our High Court shall be deemed to be a Court of competent jurisdiction for the purpose of granting probate or letters of administration under any law for the time being in force.

As regards Administrator-General, High Court to be deemed a Court of competent jurisdiction for the purpose of granting probate or letters of administration.

7. Any letters of administration, which are granted after the commencement of this Act by Our High Court shall be granted to the Administrator-General unless they are granted to the next-of-kin of the deceased.

Administrator-General entitled to letters of administration, unless granted to next-of-kin.

8. The Administrator-General shall be deemed by all Courts to have a right to letters of administration other than letters *pendente lite* in preference to that of Administrator-General entitled to letters of administration in preference to creditor, non-universal legatee or friend,

- (a) a creditor ; or
- (b) a legatee other than an universal legatee ; or
- (c) a friend of the deceased.

9. If any person has died leaving within Travancore assets exceeding the value of one thousand rupees and if no person to whom any Court would have jurisdiction to commit administration of such assets has, within one month after his death, applied for probate of his will, or for letters of administration of his estate

When Administrator-General is to administer estates of persons.

the Administrator-General shall, subject to any rules made by Our Government, within a reasonable time after he has had notice of the death of such person, and of his having left such assets, take such proceedings as may be necessary to obtain from Our High Court letters of administration of the estate of such person.

10. (1) Whenever any person has died leaving assets in Travancore, and Our High Court is satisfied that there is no person immediately available, who is legally entitled to the succession to such assets, or that danger is to be apprehended of misappropriation, deterioration or waste of such assets, before it can be determined who may be legally entitled to the succession thereto, or whether the Administrator-General is entitled to letters of administration of the estate of such deceased person,

Power to direct Administrator-General to collect and hold assets until right of succession or administration is determined.

the Court may, upon the application of the Administrator-General or of any person interested in such assets, or in the due administration thereof, forthwith direct the Administrator-General to collect and take possession of such assets, and to hold, deposit, realise, sell or invest the same according to the direction of the Court, and in default of any such directions according to the provisions of this Act so far as the same are applicable to such assets.

(2) Any order of the Court made under the provisions of this section shall entitle the Administrator-General,

- (a) to maintain any suit or proceeding for the recovery of such assets, and
- (b) if he thinks fit, to apply for letters of administration of the estate of such deceased person, and
- (c) to retain out of the assets of the estate any fees chargeable under rules made under this Act, and to reimburse himself for all payments made by him in respect of such assets which a private administrator might lawfully have made.

11. If, in the course of proceedings to obtain letters of administration under the provisions of section 9 or section 10, any person appears and establishes his claim—

Grant of probate or letters of administration to person appearing in the course of proceedings taken by Administrator-General under Sections 9 and 10.

- (a) to probate of the will of the deceased ; or
- (b) to letters of administration as next-of-kin of the deceased, and gives such security as may be required of him by law,

the Court shall grant probate of the will or letters of administration accordingly, and shall award to the Administrator-General the cost of any proceeding taken by him, under those sections to be paid out of the estate as part of the testamentary or intestate expenses thereof.

12. If, in the course of proceedings to obtain letters of administration under the provisions of Section 9 or Section 10, no person appears and establishes his claim to probate of a will, or to a grant of letters of administration as next-of-kin of the deceased, within such period as to the Court seems reasonable,

Grant of administration to Administrator-General in certain cases.

or if a person who has established his claim to a grant of letters of administration as next-of-kin of the deceased fails to give such security as may be required of him by law,

the Court may grant letters of administration to the Administrator-General.

13. Nothing in this Act shall be deemed to preclude the Administrator-General from applying to the Court for letters of administration in any case within the period of one month from the death of the deceased.

Administrator-General not precluded from applying for letters within one month after death.

(b) Revocation of Grants.

14. If an executor or next-of-kin of the deceased, who has not been personally served with a citation or who has not had notice thereof, in time to appear pursuant thereto establishes to the satisfaction of the Court a claim to probate of a will or to letters of administration in preference to the Administrator-General, any letters of administration granted in accordance with the provisions of this Act to the Administrator-General may be revoked, and probate or letters of administration may be granted to such executor or next-of-kin, as the case may be:

Recall of Administrator-General's administration and grant of probate, etc., to executor or next-of-kin.

Provided that no letters of administration granted to the Administrator-General shall be revoked for the cause aforesaid, except in cases in which a will of the deceased is proved unless the application for that purpose is made within six months after the grant to the Administrator-General and the Court is satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application is made.

15. If any letters of administration granted to the Administrator-General in accordance with the provisions of this Act are revoked, the Court may order the costs of obtaining such letters of administration, and the whole or any part of any fees which would otherwise have been payable under this Act, together with the costs of the Administrator-General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator-General out of the estate:

Cost of obtaining administration, etc., may, on revocation, be ordered to be paid to Administrator-General out of assets.

Provided that nothing in this section shall affect the provisions of clause (c) of sub-section (2) of Section 10.

16. If any letters of administration granted to the Administrator General in accordance with the provisions of this Act are revoked, the same shall, so far as regards the Administrator-General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable, except as to any act done by such Administrator-General or other person as aforesaid, after notice of a will or of any other fact which would render such letters void:

After revocation, letters granted to Administrator-General to be deemed as to him to have been voidable only.

Provided that no notice of a will or of any other fact which would render any such letters void shall affect the Administrator-General or any person acting under his authority in pursuance of such letters unless, within the period of one month from the time of giving such notice, proceedings are commenced to prove the will, or to cause the letters to be revoked, and such proceedings are prosecuted without unreasonable delay.

17. If any letters of administration granted to the Administrator-General in accordance with the provisions of this Act are revoked, upon the grant of probate of a will, or upon the grant of letters of administration with a copy of the will annexed, all payments made or acts done by or under the authority of the Administrator-General in pursuance of such letters of administration, prior to the revocation, which would have been valid under any letters of administration lawfully granted to him with a copy of such will annexed shall be deemed valid notwithstanding such revocation.

Payments made by Administrator-General prior to revocation.

(c) *General.*

18. Whenever the Administrator-General applies for letters of administration in accordance with the provisions of this Act, it shall be sufficient if the petition required to be presented for the grant of such letters states,

Administrator-General's petition or grant of letters of administration.

- (i) the time and place of the death of the deceased to the best of the knowledge and belief of the petitioner,
- (ii) the names and addresses of the surviving next-of-kin of the deceased, if known,
- (iii) the particulars and value of the assets likely to come into the hands of the petitioner,
- (iv) particulars of the liabilities of the estate, if known.

19. All probates or letters of administration granted to the Administrator-General shall be granted to him by that name.

Name in which probate or letters to be granted.

20. Probate or letters of administration granted by Our High Court to the Administrator-General shall have effect over all the assets of the deceased throughout Travancore and shall be conclusive as to the representative title against all debtors of the deceased and all persons holding such assets, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such assets to such Administrator-General.

Effect of probate or letters granted to Administrator-General.

21. (1) Any private executor or administrator may, with the previous consent of the Administrator-General in respect of assets for which such executor or administrator has obtained probate or letters of administration, by an instrument in writing under his hand notified in Our Government Gazette, transfer the assets of the estate vested in him by virtue of such probate or letters to the Administrator-General by that name or any other sufficient description.

Transfer by private executor or administrator of interest under probate or letters.

(2) As from the date of such transfer the transferor shall be exempt from all liability as such executor or administrator, as the cases may be, except in respect of acts done before the date of such transfer, and the Administrator-General shall have the rights which he would have had, and be subject to the liabilities to which he would have been subject, if the probate or letters of administration as the case may be, had been granted to him by that name at the date of such transfer.

22. (1) When the Administrator-General has given the prescribed notice for creditors and others to send in to him their claims, against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he has notice of.

Distribution of assets.

(2) He shall not be liable for the assets so distributed to any person of whose claim he had not notice at the time of such distribution.

(3) No notice of any claim which has been sent in and has been rejected or disallowed in part by the Administrator-General

shall affect him unless proceedings to enforce such claim are commenced within one month after notice of the rejection or disallowance of such claim has been given in the prescribed manner and unless such proceedings are prosecuted without unreasonable delay.

(4) Nothing in this section shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same, respectively.

(5) In computing the period of limitation for any suit, appeal or application under the provisions of any law for the time being in force, the period between the date of submission of the claim of a creditor to the Administrator-General and the date of the final decision of the Administrator-General on such claim shall be excluded.

23. (1) When the Administrator-General has, so far as may be discharged all the liabilities of an estate administered by him, he shall notify the fact in Our Government Gazette, and he may, by an instrument in writing, with the consent of the Official Trustee and subject to any rules made by Our Government, appoint the Official Trustee to be the trustee of any assets then remaining in his hands.

Appointment of Official Trustee as trustee of assets after completion of administration.

(2) Upon such appointment such assets shall vest in the Official Trustee as if he had been appointed trustee in accordance with the provisions of the Travancore Official Trustee Act, 1117, and shall be held by him upon the same trusts as the same were held immediately before such appointment.

24. (1) Our High Court may, on application made to it, give to the Administrator-General any general or special directions as to any estate in his charge or in regard to the administration of any such estate.

Power for High Court to give directions regarding administration of estate.

(2) Applications under sub-section (1) may be made by the Administrator-General or any person interested in the assets or in the due administration thereof.

25. (1) The Administrator-General shall not be required by the Court to enter into any administration-bond, or to give other security to the court, on the grant of any letters of administration to him by that name.

No security nor oath to be required from Administrator-General.

(2) The Administrator-General or any Deputy Administrator-General shall not be required to verify otherwise than by his signature, any petition presented by him under the provisions of this Act, and, if the facts stated in any such petition are not within the Administrator-General's own personal knowledge, the petition may be subscribed and verified by any person competent to make the verification.

Manner in which petition to be verified by Administrator-General and his Deputy.

(3) The entry of the Administrator-General by that name in the books of a Company shall not constitute notice of a trust, and a Company shall not be entitled to object to enter the name of the Administrator-General on its register by reason only that the Administrator-General is a corporation and in dealing with assets the fact that the person dealt with is the Administrator-General shall not of itself constitute notice of a trust.

Entry of Administrator-General not to constitute notice of a trust.

26. The Administrator-General may, whenever he desires for the purposes of the purposes of this Act, to satisfy himself regarding any question of fact examine upon oath (which he is hereby authorised to administer) any person who is willing to be so examined by him regarding such question.

Power to examine on oath.

(d) Grant of Certificates.

27. Whenever any person has died leaving assets within Travancore and the Administrator-General is satisfied that such assets excluding any sum of money deposited in a Government Savings Bank, or in any Provident Fund to which the provisions of the Travancore Provident Funds Act, 1116 (IX of 1116) apply, did not at the date of death exceed in the whole one thousand rupees in value, he may, after the lapse of one month from the death if he thinks fit, or before the lapse of the said month if he is requested so to do by writing under the hand of the executor or the widow or other person entitled to administer the estate of the deceased, grant to any person, claiming otherwise than as a creditor to be interested in such assets, or in the due administration thereof, a certificate under his hand entitling the claimant to receive the assets therein mentioned left by the deceased to a value not exceeding in the whole one thousand rupees :

In what case Administrator-General may grant certificate.

Provided that no certificate shall be granted under this section—

- (i) where probate of the deceased's will or letters of administration of his estate has or have been granted, or
- (ii) in respect of any sum of money deposited in a Government Savings Bank or in any Provident Fund to which the provisions of the Travancore Provident Funds Act 1116 (IX of 1116) apply.

28. If, in cases falling within section 27, no person claiming to be interested otherwise than as a creditor in such assets or in the due administration thereof obtains, within three months of the death of the deceased a certificate from the Administrator-General under the same section, or probate of a will or letters of administration of the estate of the deceased, the Administrator-General may administer the estate without letters of administration, in the same manner as if such letters had been granted to him ;

Grant of certificate to creditors and power to take charge of certain estates.

and if he neglects or refuses to administer such estate, he shall, upon the application of a creditor grant a certificate to him in the same manner as if he were interested in such assets otherwise than as a creditor ;

and such certificate shall have the same effect as a certificate granted under the provisions of section 27, and shall be subject to all the provisions of this Act which are applicable to such certificate :

Provided that the Administrator-General may, before granting such certificate, if he thinks fit, require the creditor to give reasonable security for the due administration of the estate of the deceased.

29. The administrator-General shall not be bound to grant any certificate under section 27 or section 28 unless he is satisfied of the title of the claimant and of the value of the assets left by the deceased within Travancore either by the oath of the claimant, or by such other evidence as he requires.

Administrator-General not bound to grant certificate unless satisfied of claimant's title, etc.

30. The holder of a certificate granted in accordance with the provisions of section 27 or section 28 shall have in respect of the assets specified in such certificate the same powers and duties, and be subject to the same liabilities as he would have had or been subject to if letters of administration had been granted to him ;

Effect of certificate.

Provided that nothing in this section shall be deemed to require any person holding such certificate,

(a) to file accounts or inventories of the assets of the deceased before any Court or other authority, or

(b) save as provided in section 28 to give any bond for the due administration of the estate.

31. The Administrator-General may revoke a certificate granted under the provisions of section 27 or section 28 on any of the following grounds, namely:—

Revocation of certificate.

(i) that the certificate was obtained by fraud or misrepresentation made to him,

(ii) that the certificate was obtained by means of an untrue allegation of a fact essential in law to justify the grant though such allegation was made in ignorance or inadvertently.

32. (1) When a certificate is revoked in accordance with the provisions of section 31, the holder thereof shall, on the requisition of the Administrator-General, deliver it up to such Administrator-General, but shall not be entitled to the refund of any fee paid thereon.

Surrender of revoked certificate.

(2) If such person wilfully and without reasonable cause omits to deliver up the certificate, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

33. The Administrator-General shall not be bound to take out letters of administration of the estate of any deceased person on account of the assets in respect of which he grants any certificate, under section 27 or section 28, but he may do so if he revokes such certificate under section 31 or ascertains that the value of the estate exceeded one thousand rupees.

Administrator-General not bound to take out administration on account of assets for which he has granted certificate.

34. Where a person not having his domicile in Travancore has died leaving assets in Travancore and in the country in which he had his domicile at the time of his death, and proceedings for the administration of his estate with respect to assets in Travancore have been taken under section 27 or section 28, and there has been a grant of administration in the country of domicile with respect to the assets in that country,

Transfer of certain assets from Travancore to executor or administrator in country of domicile for distribution.

the holder of the certificate granted under section 27 or section 28, or the Administrator-General, as the case may be, after having given the prescribed notice for creditors and others to send in to him their claims against the estate of the deceased, and after having discharged, at their expiration of the time therein named, such lawful claims as he has notice of, may, instead of himself distributing any surplus or residue of the deceased's property to persons residing out of Travancore who are entitled thereto transfer, with the consent of the executor or administrator, as the case may be, in the country of domicile, the surplus or residue to him for distribution to those persons.

(e) *Liability.*

35. The revenues of Our Government shall be liable to make good all sums required to discharge any liability which the Administrator-General, if he were a private administrator, would be personally liable to discharge, except when the liability is one to which neither the Administrator-General nor any of his officers has in any way contributed, or which neither he nor any of his officers could, by the exercise of reasonable diligence have averted, and in either of those cases the Administrator-General shall not, nor shall the revenues of Our Government be subject to any liability.

36. (1) If any suit be brought by a creditor against the Administrator-General, such creditor shall be liable to pay the cost of the suit unless he proves that not less than one month previous to the institution of the suit he had applied in writing to the Administrator-General, stating the amount and other particulars of his claim, and had given such evidence in support thereof as, in the circumstances of the case, the Administrator-General was reasonably entitled to require.

(2) If any such suit is decreed in favour of the creditor, he shall, nevertheless, unless he is a secured creditor, be only entitled to payment out of the assets of the deceased equally and rateably with the other creditors.

37. Nothing in Section 65 of the Code of Civil Procedure, 1100, shall apply to any suit against the Administrator-General in which no relief is claimed against him personally.

Notice of suit not required in certain cases.

PART IV.

FEEES.

38. (1) There shall be charged in respect of the duties of the Administrator-General such fees, whether by way of percentage or otherwise, as may be prescribed by Our Government.

(2) The fees under this section may be at different rates for different estates or classes of estates or for different duties, and shall, so far as may be, be arranged so as to produce an amount sufficient to discharge the salaries and all other expenses incidental to the working of this Act (including such sum as Our Government may determine to be required to insure the revenue of Our Government against loss under this Act).

39. (1) Any expenses which might be retained or paid out of any estate in the charge of the Administrator-General, if he were a private administrator of such estate, shall be so retained or paid and the fees prescribed under section 38 shall be retained or paid in like manner as and in addition to such expenses.

(2) The Administrator-General shall transfer and pay to such authority, in such manner and at such time as Our Government may prescribe, all fees received by him under this Act, and the same shall be carried to the account and credit of Our Government.

PART V.

AUDIT OF THE ADMINISTRATOR GENERAL'S ACCOUNTS.

40. The accounts of the Administrator-General shall be audited at least once annually, and at any other time if Our Government so direct, by the prescribed person and in the prescribed manner.

41. The auditors shall examine the accounts and forward to Our Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by them showing—

- (a) whether they contain a full and true account of everything which ought to be inserted therein,
- (b) whether the books which by any rules made under this Act are directed to be kept by the Administrator-General, have been duly and regularly kept, and

(c) whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or by any rules made thereunder, or (as the case may be) that such accounts are deficient or that the Administrator-General has failed to comply with this Act or the rules made thereunder, in such respects as may be specified in such certificate.

42. (1) Every auditor shall have the powers of a Civil Court under the Code of Civil Procedure 1100,

Power of auditors to summon and examine witnesses, and to call for documents.

(a) to summon any person whose presence he thinks necessary to attend him from time to time: and

(b) to examine any person on oath to be by him administered; and

(c) to issue a commission for the examination on interrogatories or otherwise of any person; and

(d) to summon any person to produce any document or thing the production of which appears to be necessary for the purpose of such audit or examination.

2) Any person who when summoned refuses, or without reasonable cause, neglects to attend or to produce any document or things or attends and refuses to be sworn, or to be examined, shall be deemed to have committed an offence within the meaning of and punishable under, section 181 of the Travancore Penal Code, and the auditor shall report every case of such refusal or neglect, to Our Government.

43. The costs of and incidental to such audit and examination shall be determined in accordance with rules made by Our Government, and shall be defrayed in the prescribed manner.

Costs of audit, etc.

PART VI.

MISCELLANEOUS.

44. The Administrator-General may, in addition to and not in derogation of, any other powers of expenditure lawfully exercisable by him, incur expenditure.

General powers of administration.

(a) on such acts as may be necessary for the proper care and management of any property belonging to any estate in his charge and

(b) with the sanction of Our High Court on such religious charitable and other objects, and on such improvements as may be reasonable and proper in the case of the property.

45. Any person interested in the administration of any estate, which is in the charge of the Administrator-General shall, subject to such conditions and restrictions as may be prescribed, be entitled at all reasonable times to inspect the accounts relating to such estate and the reports and certificates of the auditor, and on payment of the prescribed fee, to copies thereof and extracts therefrom.

Power of person beneficially interested to inspect Administrator-General's account, etc., and take copies.

46. (1) Our Government shall make rules for carrying into effect the objects of this Act and for regulating the proceedings of the Administrator-General.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the accounts to be kept by the Administrator-General and the audit and inspection thereof,

(b) the safe custody, deposit and investment of assets and securities which come into the hands of the Administrator-General,

(c) the remittance of sums of money in the hands of the Administrator-General in cases in which such remittances are required,

(d) subject to the provisions of this Act, the fees to be paid under this Act, and the collection and accounting for any such fees,

(e) the statements, schedules and other documents to be submitted to Our Government or to any other authority by the Administrator-General, and the publication of such statements, schedules, or other documents,

(f) the realisation of the cost of preparing any such statements, schedules or other such documents,

(g) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed,

(h) the manner in which summonses issued under the provisions of section 42 are to be served and the payment of the expenses of any persons summoned or examined under the provisions

of this Act and of any expenditure incidental to such examination,
and

(i) any matter in this Act directed to be prescribed.

(3) All rules made under this Act shall be published in Our Government Gazette and on such publication, shall have effect as if enacted in this Act.

47. Whoever, during any examination authorised by this Act makes upon oath a statement which is false and
False evidence. which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

48. All assets in the charge of the Administrator-General which have been in his custody for a period of twelve years or upwards without any application for payment thereof having been made and granted by him shall be transferred, in the prescribed manner, to the account and credit of Our Government:
Assets unclaimed for twelve years to be transferred to Government.

Provided that this section shall not authorise the transfer of any such assets as aforesaid, if any suit or proceeding is pending in respect thereof in any Court.

49. (1) If any claim is made to any part of the assets transferred to the account and credit of Our Government under the provisions of this Act, and if such claim is established to the satisfaction of the prescribed authority, Our Government shall pay to the claimant the amount of the principal so transferred to its account and credit or so much thereof as appears to be due to the claimant.
Mode of proceeding by claimant to recover principal money so transferred.

(2) If the claim is not established to the satisfaction of the prescribed authority, the claimant may, without prejudice to his right to take any other proceedings for the recovery of such assets, apply by petition to Our High Court against Our Government and such Court, after taking such evidence as it thinks fit, shall make such order in regard to the payment of the whole or any part of the said principal sum as it thinks fit, and such order shall be binding on all parties to the proceeding.

(3) The court may further direct by whom the whole or any part of the cost of each party shall be paid.

50. (1) Whenever any person, dies leaving assets within the limits of the jurisdiction of a District Judge the District Judge shall report the circumstances without delay to the Administrator-General stating the following particulars so far as they may be known to him:--

District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator-General,

- (a) the amount and nature of the assets,
- (b) whether or not the deceased left a will and if so, in whose custody it is,
- (c) the names and addresses of the surviving next-of-kin of the deceased and, on the lapse of one month from the date of the death,
- (d) whether or not any one has applied for probate of the will of the deceased or letters of administration of his estate.

(2) The District Judge shall retain the assets under his charge, until the Administrator-General has obtained letters of administration, or until some other person has obtained probate or such letters or a certificate from the Administrator-General under the provisions of this Act, when the assets shall be delivered over to the holder of such probate, letters of administration or certificate :

Provided that the District Judge may, if he thinks fit, sell any assets which are subject to speedy and natural decay, or which for any other sufficient cause he thinks should be sold, and he shall thereupon credit the proceeds of such sale to the estate.

(3) The District Judge may cause to be paid out of any assets of which he or such officer has charge, or out of the proceeds of such assets or of any part thereof, such sums as may appear to him to be necessary for all or any of the following purposes, namely :--

- (a) the payment of the expenses of the funeral of the deceased and of obtaining probate of his will or letters of administration of his estate or a certificate under this Act,
- (b) the payment of wages due for services rendered to the deceased within three months next preceding his death by any labourer, artizan or domestic servant,
- (c) the relief of the immediate necessities of the family of the deceased and,
- (d) such acts as may be necessary for the proper care and management of the assets left by the deceased,

and nothing in any law for the time being in force with respect to rights of priority of creditors of deceased persons shall be held to affect the validity of any payment so caused to be made.

Annexure I.

R. O. C. No. 237/39/Assembly.

The following Bill, leave to introduce which has been granted by the Sri Mulam Assembly, is published for general information.

Office of the Secretary to the
Sri Mulam Assembly,
Trivandrum,
12th February 1940.

A. GUNAMONY,
Secretary to the Sri Mulam Assembly.

THE EZHAVA BILL.

Whereas it is expedient to amend the Ezhava Act III of 1100, it is hereby enacted as follows:

Preamble.

CHAPTER I.

PRELIMINARY.

I. (1) This Act may be called the Travancore Ezhava Act of 1115
Short Title. and shall come into force at once.

(2) It shall apply to all Ezhavas domiciled in Travancore other than those who follow Makkathayam, and shall also
Application. apply to such Ezhavas and Non-Ezhava Hindus; whether domiciled or not as have or shall have marital relation with Ezhavas domiciled in Travancore.

(3) Act III of 1100 is hereby repealed.
Repeal.

(4) Nothing in this Act shall confer any right on the parties dissolved before this act comes into force.
Saving.

II. In this Act unless there is something repugnant in the subject or context:—

(1) "Ezhava" includes Chova, Thiyya and others known or recognised or asserted in writing registered as Ezhava, Chova or Thiyya.
Definitions.

(2) "Marumakkathayam" means the system of inheritance in which descent is traced in the female line.

(3) "Thavazhee" of a female means a group of persons consisting of that female and her issues how low so ever in the female line; or such of that group as are alive.

(4) "Thavazhee of a male" means the Thavazhee of his mother.

(5) "Tharawad" means and includes all the members of a Marumakkathayam family with community of property.

(6) "Karanavan" means the senior major male member of the Tharawad in whom the headship of the Tharawad, the right of management of its affairs and possession of the properties thereof are vested in Law and the absence of such male member the senior major female member.

(7) "Minor" means a person who has not completed 18 years of age.

(8) "Makkathayam Property" is property obtained from the husband or father by the wife or child or both of them by gift, inheritance or bequest.

CHAPTER II.

MARRIAGE AND ITS DISSOLUTION:

III. The conjugal union of an Ezhava subject to the restriction of consanguinity and affinity with any Hindu, entered into in writing registered or openly solemnised by the presentation of cloth to, or by tying Mangalya-suthram around the neck of the female by the male whether so registered or solemnised before the date on which this Act comes into force and subsisting on such date or so registered or solemnised after this Act comes into force shall be deemed to be a valid marriage for all legal purposes.

Marriage.

Provided that no conjugal union solemnised after the date on which this Act comes into force shall in the case of a male who has not completed 18 years of age or of a female who has not completed 16 years of age be deemed to be a legally valid marriage unless it takes place with the consent of his or her legal guardian or unless such conjugal union is recognised and continued after the attainment of 18 or 16 years of age as the case may be by the party or parties concerned.

ILLUSTRATION.

(a) C, a male commits adultery with B who has married A or entices away B who he knows has married A. C, is liable to punishment under Section 500 or 501 of the Travancore Penal Code.

(b) A, a male having sufficient means neglects or refuses to maintain B whom he has married, B is entitled to apply for maintenance under Chapter XXXV of the Criminal Procedure Code.

(c) B, a female who has married A refuses to cohabit with the latter without just cause. A may bring a Civil suit for restitution of conjugal right.

IV. Notice of a marriage under this Act shall be given by the husband to such authority in such form and within such time as the Government may prescribe. On failure to give such notice the husband shall be liable to be punished with fine which may extend to Rs. 190. But such failure shall not invalidate the marriage.

V. The subsequent marriage of a male or of a female during the continuance of a prior marriage and performed after the commencement of this Act is void.

Subsequent marriage when void.

ILLUSTRATION.

C, a male marries B who has married A during the continuance of A's marriage, B and C are liable to punishment for bigamy under Section 497 of the Travancore Penal Code and abetment thereof respectively.

VI. Marriage is dissolved only in one of the following ways :—
 Dissolution of marriage. (1) By the death of either party or
 (2) By mutual consent evidenced by a registered instrument or
 (3) By a formal order of dissolution as hereinafter provided.

VII. A husband or wife may present a petition for dissolution of the marriage under Section 5 clause (3) in the Court of the District Munsiff within the local limits of whose jurisdiction the respondent resides carries on business, or personally works for gain or if the respondent resides, carries on business or personally works for gain in any place outside Travancore, in the Court of the District Munsiff within whose jurisdiction the petitioner resides, and the petitioner shall in all cases offer in the petition reasonable compensation to the respondent except where such respondent has changed his or her religion.
 Petition for Dissolution of marriage

Provided that the wife shall herself be competent to apply for divorce if she has completed 16 years of age.

VIII. What is reasonable compensation shall in case of dispute be determined by the Court after an enquiry into the position means and circumstances of the parties but without going into the grounds of the proposed dissolution, and it shall in no case exceed Rs. 2,000 when the petitioner is the husband and Rs. 500 when the petitioner is the wife.
 Reasonable compensation how determined.

IX. A copy of such petition as aforesaid shall be served on the respondent at the expense of the petitioner and in the manner provided for the service of summons on a defendant in the Code of Civil Procedure.
 Notice to be given to the respondent.

X. Six months after service of the copy as aforesaid, if the petition is not withdrawn in the meantime, the Court shall declare in writing the marriage dissolved and shall proceed to determine the amount of compensation. The dissolution shall take effect from the date of the order declaring it.
 When and how order of dissolution passed.

So far as it decrees payment of compensation such order shall be executable and appealable as a decree under the Code of Civil Procedure, on payment of Court fees on the amount adjudged or claimed, as the case may be.
 Decree awarding compensation executable and appealable.

CHAPTER III.

MAINTENANCE AND GUARDIANSHIP.

XI. The wife and minor children except married daughters under the guardianship of their husbands, shall be entitled to be maintained by the husband or father, as the case may be :
 Maintenance of wife and minor children.

Provided that the wife shall not be entitled to maintenance if she refuses to live with the husband without just cause or has changed her religion.

Nothing herein contained shall affect the right of the wife or widow and children to be maintained by their own tharavad.

XII. The husband shall be the legal guardian of his minor wife, and the father the legal guardian of his minor children in respect of their person and property.

Guardianship of
minor wife and
children.

XIII. Where the wife has minor children by a former husband, deceased or divorced, she shall be the legal guardian in respect of their person as also of the separate properties belonging to them.

Guardianship of
minor children by
former husband.

CHAPTER IV.

INTESTATE SUCCESSION.

XIV. (1) On the death of an Ezhava male leaving him surviving a widow or father or mother or all or any of them and also children or lineal descendants of deceased children or both, they shall take the whole of the self-acquired and separate property left undisposed of by him at his death. In the absence of the father, mother and the widow, the children, and the lineal descendants of the deceased children shall take the whole and in the absence of the father, mother, widow and children, the lineal descendants of deceased children shall take the whole.

Where intestate
Ezhava male has
left widow, father
mother children or
lineal descendants.

(2) The distribution of the estate under sub-section (1) shall be according to the following rules:—

(a) The widow or widows if there are more than one and the father and mother shall each be entitled to a share equal to that of a son or daughter.

(b) Sons and daughters shall take the property in equal shares;

Provided that if a son or daughter shall have predeceased the intestate the lineal descendants of such child shall take the share which such child would have taken had it survived the intestate.

(c) Grand children shall take in equal shares what their father or mother would have taken had he or she survived the intestate. In like manner, the property shall go to the surviving lineal descendants of the intestate where they are all in the degree of great grand children to him or in a more remote degree.

ILLUSTRATIONS.

(a) Z dies intestate leaving A and B two widows, C his father, D his mother, E a son, F a daughter and the lineal descendants of a deceased son G. A, B, C, D, E and F each gets 1/7 of the estate and the lineal descendants of G together get 1/7 of the estate.

(b) Z dies leaving him surviving A son, B, a daughter, two grand children by a deceased daughter C and two grand children and one great grand child by a deceased son D. A and B shall each be entitled to 1/4 of Z's estate: each of the grand children by C shall be entitled to 1/8: each of the grand children by D shall be entitled to 1/12; and the great grand child by D shall be entitled to 1/12 of Z's estate.

XV. On the death of an Ezhava male leaving him surviving no children but only a widow, father and mother, one half of his separate or self-acquired property left undisposed of by him at his death shall devolve on the widow and the other half on his father and mother in equal shares. In the absence of the widow, the whole shall devolve on the father and mother. In the absence of the father the whole shall devolve on the mother and the widow. In the absence of the mother the property which would have devolved on her had she survived the intestate shall devolve on her Thavazhee. In the absence of the father and members of his Thavazhee the whole shall devolve on the widow:

Devolution of self acquired or separate property of a male in the absence of children.

Provided that the widow shall be entitled to be in possession of the property till division is effected.

XVI. On the death of an Ezhava male leaving him surviving none of the heirs referred to in Sections 14 and 15 his self-acquired or separate property left undisposed of by him at his death, shall devolve on the Thavazhee of his grand mother or on the Thavazhee of his female ascendants, the nearer excluding the more remote.

Devolution of self acquired or separate property of a male in the absence of wife children, members of his Thavazhee or father.

XVII. On the death of an Ezhava female, the whole of her self-acquired or separate property left undisposed of by her at her death, shall devolve on her own Thavazhee.

If she dies leaving her surviving no members of her Thavazhee, but her husband, father, and members of her mother's Thavazhee, one half of such property shall devolve on her husband and the other half on the father and the mother's Thavazhee. In the absence of the husband, the father and the mother's Thavazhee shall take the whole. In the absence of the father, one half of such property shall devolve on the husband and the other half on the mother's Thavazhee. In the absence of the mother's Thavazhee, the husband and the father shall take the property in equal shares.

Devolution of self acquired or separate property of a female

XVIII. On the death of an Ezhava female leaving her surviving neither members of her Thavazhee nor other members of her mother's Thavazhee, nor husband nor father, but only the Thavazhee of her grand mother or of her other more remote female ascendants her self-acquired or separate property left undisposed of by her at her death shall devolve on such Thavazhee the nearer excluding the more remote.

Devolution of such property in the absence of her or her mother's Thavazhee or husband or father

EXPLANATION.

(1) If the deceased person was in management of his or her Tharavad or of undivided Makkathayam property, one half of the acquisition, if any made by such person during such management with the aid of the income from such Tharavad or Makkathayam properties, as the case may be, shall be treated as that person's self-acquisition for the purpose of this Chapter in addition to other self-acquisitions.

EXPLANATION.

(2) The expression children in the case of an intestate male and the expression Thavazhee in the case of an intestate female shall for the purpose of Chapter IV of this Act include the issue of such intestate male or female how low so ever.

CHAPTER V.

TESTAMENTARY SUCCESSION.

XIX. Notwithstanding anything contained in Act VI of 1974, an Ezhava may dispose of, by will, the whole of his or her self-acquired or separate property.

Testamentary
power.

EXPLANATION.

For the purpose of Chapters IV and V of this Act the share of a member in his or her Tharavad shall be deemed to be the separate property of such Member.

CHAPTER VI.

ALIENATION.

Alienation.

XX. Alienation of Tharavad properties shall not bind the share of any member of the Tharavad unless that member is a party to such alienation.

When a member of a Tharavad alienates the whole or any portion of his or her portion therein, to any one other than a member of such Tharavad, the alienee shall not be entitled to joint possession of the properties, with the other members.

No decree obtained against a Tharavad shall bind any member thereof unless that member is a party to such decree.

CHAPTER VII.

PARTITION.

XXI. (1) Tharavad property :—

For the purposes of partition the members of a Marumakkathayam Tharavad shall be deemed to be Tenants-in-common from the date of the passing of this Act.

(2) Makkathayam property :—

Except where a contrary intention is expressed in the instrument of gift or bequest, if any, Makkathayam property acquired after the date of the passing of this Act shall be liable to be divided among the wife and each of the children in equal shares.

Provided that, in the partition of the Makkathayam property the issue how low so ever of a deceased child shall be entitled to only such share as the child itself, if alive, have taken.

STATEMENT OF OBJECTS AND REASONS.

It is now 14 years and more since the Ezhava Act has come into force. So we have had ample opportunities to note the variety of frictions in the practical application of the law. As the community is in the mould of transformation; undergoing rapid progress, I think the law governing them should never be a hindrance to them.

By amending the Act I have mainly brought the law in parallel to some of the sister Acts of the State.

None is more responsible for the welfare of an individual than the father under the existing circumstances of the community. It is a pity that father parted from his kith and kin and spending his life for the uplift of his children who are now recognised as his legal representatives, is not in turn recognised as the heir of his children though mother is recognised as such. It is only a bare justice to recognise the father too as an heir to his children though it is a novelty to the principles of the old Marumakkathayam law of inheritance which has well-nigh bid farewell to the present generation.

N. R. KRISHNAN,

Member, Sri Muiam Assembly.

Annexure II.

REPORT OF THE SELECT COMMITTEE ON THE
TRAVANCORE EZHAVA BILL.

To

The President,
Sri Mulam Assembly.

Sir,

We, the undersigned members of the Select Committee appointed to consider the Travancore Ezhava Bill, have considered the Bill and beg to submit this our

REPORT.

The Bill was published in the Gazette dated the 13th February 1940.

The Bill purports to amend and consolidate the Ezhava Act III of 1100. So far the Act has not been amended except by Act II of 1101. The Committee are of the view that the purpose of the Bill could be achieved better by an Amendment Act. The Committee have therefore decided to redraft the Bill embodying in it such of the provisions of the Bill as have been agreed to and adopted by the Committee. The Bill purports to widen the scope of the existing Act by extending its application to non-Ezhava Hindus who have marital relations with Ezhavas domiciled in Travancore. The definition of the word "Ezhava" and the provisions relating to marriage between Ezhava and non-Ezhava contained in the Bill are highly controversial and the Committee have therefore decided to omit them.

The Committee agree that it would be in the interest of the community to provide for a system of registration of marriages similar to the one prevailing under the Nair Act. They have therefore adopted the provisions of Clause 4 of the Bill. *Vide* Clause 3 of the re-drafted Bill.

The Committee are satisfied that it is unnecessary to postpone dissolution of a marriage until the amount of compensation is determined. The principle contained in Clause 10 of the Bill has therefore been accepted—*vide* Clause 4 of the re-drafted Bill.

On the question of intestate succession the Committee have come to the conclusion that in the absence of children the father should take a share along with the mother. They have therefore accepted the principle contained in Clause 15 with certain modifications—*vide* Clause 5 of the re-drafted Bill.

On the question of partition, the Committee have come to the conclusion that a declaration effecting a severance in status without even a claim by a member is inconsistent with the interests of the community; they have however agreed that a modified provision may be made conferring a right on every adult member of the Tarwad to claim his or her share of the Tarwad properties subject only to certain specified restrictions (*Vide* Clause 6 of the re-drafted Bill.) In other respects the Committee have decided not to effect any changes at present.

A Bill re-drafted on the above lines is attached herewith. As substantial changes have been made, the Committee are of opinion that the Bill as drafted by the Committee should be published.

(Sd.) S. Chattanatha Karayalar (Chairman)

„ N. Ramakrishna Pillai.

„ A. K. Kumaran Vaidyan.

„ N. R. Krishnan.

„ P. S. Muhamed.

„ K. R. Narayanan.

„ K. Madhavan.

„ Subject to the right of moving amendments

„ P. Kunjukrishnan.

„ M. Palmanabha Pillai.

„ K. Kunju Panicker.

„ Subject to the right of moving amendments

„ T. K. Narayanan.

„ E. P. Varghese.

„ S. Krishna Pillai.

. Trivandrum,
5th February 1942.

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

Annexure III.

THE TRAVANCORE EZHAVA ACT AMENDMENT BILL.

(As re-drafted by the Select Committee.)

Whereas it is expedient to amend the Travancore Ezhava Act III of 1100 for certain purposes: It is hereby enacted
Preamble. as follows:—

1. (1) This Act may be called the Travancore Ezhava Amend-
Short title, extent ment Act 111—
and commencement.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once.

2. In Section 4 of the Travancore Ezhava Act III of 1100 (herein-
Amendment of after referred to as the said Act) the following
Section 4, Act III clauses shall be added namely:—
of 1100.

“(12) ‘Amendment Act’ means the ‘Travancore Ezhava
Amendment Act, 111—

(13) ‘Prescribed’ means prescribed by rules made by Our
Government.”

3. After Section 6 of the said Act the following shall be inserted
as Section 5A, namely:—
Insertion of a new
Section 5A in Act
III of 1100.

“ 5A. Notice of a marriage contracted on or after the date
of commencement of the Amendment Act shall be
given by the husband to such authority, in such
form and within such time as may be prescribed.
On failure to give such notice, the husband shall be
liable to be punished with fine which may extend
to one hundred rupees, but such failure shall not
invalidate the marriage or affect the legal rights
of the parties or the offspring of such marriage’.

4. In Section II of the said Act for the words “the Court shall
after determining the amount of compensation de-
clare in writing the marriage dissolved,” the follow-
ing shall be substituted, namely —
Amendment of
Section 11, Act III
of 1100.
“the Court shall declare in writing the marriage
dissolved and thereafter proceed to determine the
amount of compensation.”

5. For Section 16 of the said Act, the following shall be substi-
tuted namely.—
Substitution of
Section 16, Act III
of 1100.

“ 16. (1) On the death of an Ezhava male leav-
ing him surviving no children but only his widow
and his mother and father, one half of his self-

acquired and separate property left undisposed of by him at his death shall devolve on his father and mother and the other half on his widow. In the absence of any one of them the other two shall take the whole in equal shares and in the absence of any two the survivor shall take the whole :

Provided that the widow shall be entitled to be in possession of the intestate's properties till division is effected.

(2) On the death of an Ezhava male leaving him surviving none of the heirs mentioned in sub section (1) the whole of his self-acquired and separate property left undisposed of by him at his death shall devolve on his Thaivazhi."

6. For Sections 28, 29, 30 and 31 the following shall be substituted namely :—

Substitution of
Sections 28, 29, 30
and 31, Act III of
1100.

" 28. (1) Subject to the provisions of Sections 29, 30, 31 and 33—

(a) every adult member of a Tarwad shall be entitled to claim his or her share of the property of the Tarwad :

(b) the majority of the adult members of a Thaivazhi shall be entitled to claim on behalf of the Thaivazhi the share due to the Thaivazhi.

(2) Any individual or Thaivazhi mentioned in sub-section (1) shall be entitled to so much of the property of the Tarwad as will fall to such individual or to the members of such Thaivazhi as a whole if a division *per capita* were made among all the members of the Tarwad at the time of partition.

29. When a Tarwad consists only of an adult member and minors, the adult member shall not be entitled to divide from the minors.

30. Every female member who claims to get her share of the Tarwad properties shall also claim and shall also be entitled to get the share of her minor children in such properties.

31. No member of the Tarwad shall be deemed to have a definite share in Tarwad property liable to be seized in execution nor shall such member be deemed to have any alienable or heritable interest therein until the share of such member has become determined.

Explanation.—For the purpose of this Section the share of a member shall be deemed to have become determined—

- (a) by the presentation of a plaint in a suit by him for partition of such share; or
- (b) by the presentation of a written statement claiming such share in a suit for partition; or
- (c) by an unequivocal declaration made in writing registered in accordance with the law relating to registration of documents.”

Office of the Secretary to the
Sri Mulam Assembly, Trivandrum.

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

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**Proceedings of the Travancore Sri Mulam
Assembly**

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