Chapter III

EDUCATIONAL AND CULTURAL LEGISLATIONS


Education became the most powerful catalyzing agency in the process of social change. Education which once remained the monopoly of the Brahmin Pundits and temple sanketams came down to the non-Brahmin communities mainly through the initiative of the Christian missionaries. Once it was liberated from the grip of the caste Hindus, the Government of Travancore extended its sincere cooperation through a series of legislations, which consolidated and promoted the education at different levels from the primary to the university. It virtually inaugurated the beginning of a new era in the history of legislations.
The Travancore University Regulation-1937

The Government of India's resolution on educational policy on 21 February 1913 was an indication for development of new universities. The Resolution admitted that it was necessary to create new local teaching and residential universities within each of the provinces. The Resolution also affirmed that the Government of India were "prepared to sanction, under certain conditions, the establishment" of such universities. Following this, the Government of Travancore constituted a committee on 23 Nov 1917 consisting of sixteen members to consider ways and means of establishing a university for the State.

In 1919 the Committee submitted its interim report to the Government. The Committee was of the opinion that the number of students and the variety of the works of university standard done in the various institutions in the State would justify the establishment of a university in Travancore. They recommended a residential university and the site selected was Aruvikkara, about seven miles away from the city of Trivandrum (also spelt as Thiruvananthapuram). The university was to be a self-governing body with executive and judicial organs. In 1920, the Government informed the committee that they approved the establishment of a university of a unitary type and requested the Committee to elaborate further details of the scheme. But the Committee was dissolved on 2 March 1920. Another

1 History of University of Kerala, Silver Jubilee, Vol. p.10.
2 Ibid.
committee was constituted on 15 April 1923 with four members and K.A. Krishna Iyengar was its president.

The opinion of the University Committee of 1917 that a University, if founded, should be for all Malayalam speaking people, indicated the feelings of many educated men in the State. The University Committee of 1923 was not in favour of including Tinnevelly in the university, as it was not a Malayalam-speaking area. They confined themselves mainly to education in the states of Travancore, Cochin and the Malabar district. The Committee was also influenced by the charges that had come about in university education in India since the first committee had submitted its report.

When the Government decided to set up a university for Travancore in 1937, the percentage of literacy was 28.9 and there was a school for every two square miles. There were 282 English schools, of which 96 were high schools. There were ten colleges affiliated to the University of Madras, six being government colleges and four private colleges.

The Maharaja's College of Science, Trivandrum

The Maharaja's college of Science, Trivandrum the institution now called the University College, was founded in 1834 by the Government of Travancore during
the reign of His Highness Sri Swathi Thirunal Rama Varma, one of the most illustrious rulers of Travancore, celebrated for his devotion and contributions to art and culture. The Maharaja had an occasion to visit a school that was imparting instruction in English at Nagercoil, run by the London Mission Society. The school impressed the Maharaja, and the quality of education given there also convinced him that the new type of school offered great prospects for the people of Travancore. Thereafter, Swathi Thirunal invited Mr. Roberts who was in charge of the school at Nagercoil to come to Thiruvananthapuram and start a similar school there. Mr. Roberts, who was an Englishman, agreed and the new school was started in 1834. The school was a private institution, but the State Government contributed the prescribed fee for 80 pupils who thus got free education. Within one year, the Government took over the school and assumed full responsibility for its management. Mr. Roberts was the first Headmaster and the school came to be known as "The Raja’s Free School". The school was shifted to a new building in the following year, which was on the premises where the University College is now located. Those were the days when western type of education was being newly introduced in India and the Raja’s Free School was one of the earliest institutions in South India, established by the Government for importing instruction to the children of the State of Travancore. The school attracted pupils from all parts of Travancore and many of its alumni rose to high positions in the public life of the State and became very popular in different fields of cultural activity.


6 Ibid.
In 1866, His Highness Sri. Ayilyam Thirunal Rama Varma, the Maharaja of Travancore, decided that facilities for higher education should be provided by the Government and thus the Raja's School was raised to the status of a college affiliated to the Madras University. The college was named H.H. The Maharaja's College and it still had the original school attached to it. The first principal of the college was Mr. John Ross who was an inspiring teacher, remembered even today with reverence and affection by many a Travancorean. The college provided degree courses in Mathematics, Physics, Chemistry, Botany and Zoology and B.A. Honours course in Mathematics. It was well equipped with sufficient staff to start Honours courses in science subjects too. The college still continues to be one of the premier educational institutions in Kerala.

**Other Government Colleges**

The College of Arts had the B.A. Degree course in History and Economics, Philosophy, Sanskrit and Malayalam, B.A. Honours courses in English, History and Economics and Malayalam language and literature. The Women's College was subsequently established. The Training College of Trivandrum was the only Training college south of Madras and this was true in the case of the Law College, Trivandrum. The other Government College was The Sanskrit College.
Private Colleges

The Private Colleges were: 1. The Union Christian College, Alwaye, 2. St.Berchman's College, Changanacherry 3. The C.M.S. College, Kottayam, and 4. The Scott Christian College, Nagercoil.

The Government of Travancore passed the Travancore University Regulation on Nov 1, 1937 corresponding to 16 Thulam, 1113, which was the auspicious occasion of the twenty-sixth birthday of His Highness Sri. Balarama Varma, the Maharaja of Travancore. It is stated in the preamble of the Regulation that it was desirable to make greater and more systematic provision for the furtherance of original research in the various branches of applied science. It was also deemed desirable in the interests of the cultural and educational advancement of all classes of the subjects of Travancore to provide for the conservation and promotion of Kerala Art and Culture. For the realization of these objectives and purposes and for the further advancement of learning, to establish and incorporate a university in Travancore, the Government brought forward and passed the Travancore University Regulation on 16 Thulam 1113 corresponding to 1 November 1937.

According to this regulation the Vice-Chancellor, the Pro-Vice-Chancellor, if any and the members of the Senate and of the Syndicate were to constitute a body

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corporate with the name of the University of Travancore. The University was to have powers to provide for instruction in such branches of learning as it might deem fit and to make provision for research and for the advancement and dissemination of knowledge, to institute degrees, titles, diplomas, to confer degrees and other academic distinctions on persons who should have used a prescribed course of study and have passed the prescribed examination, to confer honorary degrees, to grant diplomas and certificates, to withdraw or cancel degrees, titles, diplomas and certificates, to inspect colleges and hostels, to exercise such control over the students as would secure their physical and moral well-being, to hold and manager endowments, and to institute and award fellowships, scholarships, studentships, exhibitions, bursaries, medals and prizes, to co-operate with other Universities or any authorities or associations in such manner as the University might determine for the purpose of carrying out the objects of the University and also to do all such other acts as may be required to further the objectives and purposes of the Regulation.

The Regulation further provided that no person should be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed, class or political views, and that it would not be lawful for the University to adopt or impose on any
person any list whatsoever relating to religious belief or profession or political views, in order to entitle him to be admitted thereto as a teacher, or a student or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privileges there of except in respect of any particular benefaction accepted by the University. The supreme Head of the University was to be the Chancellor, who might issue any order at any time for servicing the aims and objects of the University. According to this Regulation, the Maharaja of Travancore was made the Chancellor of the University. The Regulation also authorized the Chancellor to nominate a Pro-Chancellor to exercise such powers and functions of the Chancellor as might be delegated to him by the Chancellor. The Pro-Chancellor would take rank and precedence immediately after the Chancellor in all public functions of the University.

The officers of the University were determined to be the Vice-Chancellor, the Pro-Vice-Chancellor, if any, the Registrar, and such other officers as might be provided for by the statutes. The Vice-Chancellor was to be appointed by the Chancellor and was to hold office during the pleasure of the Chancellor and receive such remuneration as was fixed accordingly. The rank of the Vice-Chancellor shall be next to the Chancellor and to the Pro-Chancellor, if any. It was provided that the Vice-Chancellor would be the principal executive officer of the

10 The University of Travancore followed a policy of equality towards all classes of people from its very beginning irrespective of caste, religion or political views.

11 This practice continues even today and at present the Chancellor of the University is the Governor and hence the Governor appoints the Vice-Chancellor.
University, who, in the absence of the Chancellor and Pro-Chancellor, would preside over the meetings of the Senate and at any convocation meeting of the University. The Regulation also empowered the Vice-Chancellor to be a member ex-officio and Chairman of the Senate and Syndicate, and entitled him to be present at and to address any meeting of the University, but without being entitled to vote. According to this Regulation, it was the duty of the Vice-Chancellor to ensure that the provisions of this Regulation, the statutes and the ordinances were faithfully observed and carried out, and he might exercise all powers necessary for this purpose.

The Regulation provided that in the event of the Vice-Chancellor being at any time an honorary or part-time officer the Chancellor might appoint a Pro-Vice-Chancellor, to whom the Vice-Chancellor might delegate all or any of his powers and duties with the previous sanction of the Chancellor. Accordingly, the Pro-Vice-Chancellor could hold office during the pleasure of the Chancellor and receive the remuneration fixed by the government. The Registrar was to be a full-time officer appointed by the Government in consultation with the Syndicate, and he could exercise the powers and perform such duties as might be prescribed by the statute. He was also expected to fulfil the requirements from time made to time by the Syndicate or the Vice-Chancellor.

12 The Vice-Chancellor was the practical head of the University as it is seen today. The post of the Chancellor was a titular one to a greater extent. The dominant power enjoyed by the Chancellor was the appointment of the Vice-Chancellor which is also continued even today.

13 The Registrar has to look after administration of the University and every communication to the University should be addressed to the registrar.
According to the Regulation, the authorities of the University were the Senate, the Syndicate, the Faculties and such other authorities as might be provided for in the statutes. The Senate was to consist of Class I Ex-officio members, such as the Vice-Chancellor, the Pro-Vice-Chancellor, if any, the Director of Public Instruction, the Deans of the Faculties, the Principals of Colleges, and members of the Syndicate who were not otherwise members of the Senate. In addition to this the Senate consisted of Class II Elected Members,\textsuperscript{14} Class III Life Members,\textsuperscript{15} and Class IV Other Members\textsuperscript{16}. It was further provided that the Senate was to be reconstituted every three years and accordingly every member of the Senate other than ex-officio and life members could hold office until the next reconstitution of the Senate.

According to the provisions of the Regulation, the Senate was to have general superintendence over the affairs, concerns and property of the University, and exercise all the powers of the University not otherwise provided for. In addition, the Senate would have powers to determine what degrees, diplomas and other academic distinctions were to be granted by the University, to prescribe the courses of study.

\textsuperscript{14} The Travancore University Regulation, Elected members consisted of seven members elected by the registered graduates from among themselves, three members elected from among themselves by the non official members of the Sri Mulam Assembly, two members elected from among themselves by the non-official members of the Sri Chitra State Council etc.

\textsuperscript{15} Ibid., Class III life members consisted of such persons as might be appointed by the Chancellor to be life members on the ground that they had rendered eminent services to education and all persons who had contributed no less than ten thousand rupees or transferred property of the like value to the University fund for the general purposes of the University

\textsuperscript{16} Ibid., Class IV other members consisted of not more than twenty members nominated by the Chancellor, and one representative of each of such associations as undertake to make the University an annual contribution of rupees one thousand or more for a period of not less than five years, so long as the contributions continued to be paid.
and the duration, to amend or repeal statutes, to consider and cancel ordinances under conditions laid down by the statutes, etc.

The Syndicate was to consist of the Vice-Chancellor, the Pro-Vice-Chancellor and the Director of Public Instruction of Travancore being Class I Ex-officio members besides these, two representatives of the private colleges, two members elected from and by the Senate, and five members nominated by the Chancellor of whom at least three were to be Deans of Faculties being Class II other members, were the members of the Syndicate. The term of the Syndicate members except ex-officio members was fixed to be a period of three years.

The Travancore University Regulation empowered the Syndicate as the executive government of the University, including the general superintendence and control over the institutions of the University. At the same time, the Syndicate enjoyed powers to make ordinances and amend or repeal the same, to propose statutes for the consideration of the Senate, to hold control and administer the properties and funds of the University, to direct the form, custody and use of the common seal of the University etc.

The formation of the University of Travancore is an important landmark in the history of Travancore. Education at the university level is concerned with the preservation and transmission of knowledge and the development of new knowledge. To Swami Vivekananda, ‘knowledge is useless unless it is put into action’. The
contributions made by the University of Travancore to the cause of dissemination of knowledge are so great that it could convert the State of Kerala into one of the ideal states in India.

The Travancore Primary Education Act – 1945

The Government of Travancore was very much interested in introducing educational reforms. For that purpose, an Education Re-Organisation Committee was set up by the Government in the year 1945. The Committee made a thorough study of different problems of education and submitted a detailed report to the Government in the same year. The Committee came to the conclusion that everybody in Travancore who wanted to go to a primary school and who could go to a primary school, did go to that school; it was only those, generally speaking, who for some reason or other could not go either through poverty or through the unwillingness or indifference of their parents to send them or due to lack of proper food or proper clothing, who did not attend the school. Hence, the Committee came to the conclusion that the existing system of primary education had reached the utmost limits of expansion and that the next logical step in improving it would be the introduction of a system of compulsion.\(^{18}\)

Taking into account the very high proportion of literacy in Travancore, some people thought that Travancore could easily be the first in the introduction of

Universal Primary Education. Of course, in conformity with worldwide opinion, all forms of compulsory education must be free. The Committee therefore recommended the introduction of compulsory primary education of five years' duration.¹

At that time, primary school education consisted of four classes, but the Committee recommended five years in consonance with the general opinion that five years was the minimum time required to ensure literacy and to ensure as far as possible, against a lapse into illiteracy. Educationalists were agreed on that point. They had statistics from the last Census Report to show how, with the prevalent system of four years, it was easy for those who had been through the primary school course to lapse into illiteracy.

The Report of the Travancore Education Re-organisation Committee was discussed in great detail in Travancore Sri Mulam Assembly²⁰. It was on the basis of the Report of the Committee that the Travancore Primary Education Bill 1945 was prepared.

The declared policy of the Government of Travancore was Universal, Free and Compulsory Primary Education for boys and girls, which should be undertaken by the Government by means of a definite programme, as a result of which they

¹ Ibid., p 1019
²⁰ Ibid., pp 1017-1048
would assume within a period of ten years the full control of all primary education in the State. The Government brought forward and passed The Travancore Primary Education Act in 1945, corresponding to 1121 M.E. The Act was extended to the whole of Travancore. The Act was to come into force in such areas and on such dates as might be notified by the Government in the Government Gazette.\(^{22}\)

According to the Act, it was duty of the parents\(^ {23}\) to send children to school. In every area to which that Act applied, it was to be the duty of the parent of every\(^ {24}\) child residing within such area to cause such child to attend an approved\(^ {25}\) school for primary\(^ {26}\) education for so many days and for such time on each day of attendance as might be prescribed\(^ {27}\) by the Department of Public Instruction,\(^ {28}\) unless there was a reasonable excuse for the non-attendance of such child.

\(^{21}\) Travancore Government Gazette Extraordinary, dt: 18-10-1945

\(^{22}\) Act VII of 1121. Government of Travancore.

\(^{23}\) 'Parent' included the guardian and every person who was liable to maintain or had the actual custody of any child.

\(^{24}\) 'Child' meant a child whose age was not less than five and not more than ten years.

\(^{25}\) 'Approved School' meant a school maintained or recognized by the Department of Public Instruction.

\(^{26}\) 'Primary Education' meant such education as was for the time being recognized as such by the Government.

\(^{27}\) 'Prescribed' meant prescribed by rules made by the Government under that Act.

\(^{28}\) 'Department of Public Instruction' meant and included the Director of Public Instruction or such Board or other Agency as the Government might from time to time constitute.
At the same time, the Act provided for non-attendance in school on genuine grounds. Any of the following circumstances was a reasonable excuse for non-attendance: that the child was receiving primary education in such other manner as was considered adequate by the Department of Public Instruction, that there was no approved school within a distance of two miles measured along the nearest road from the residence of the child, which the child could attend, that the child was prevented from attending school by reason of sickness, mental or physical infirmity or other sufficient cause. Where there was reasonable excuse for non-attendance, a certificate of exemption was to be granted by such authority and in such manner as might be prescribed by the Act. All applicants for exemption under that Act were to be exempted from the payment of any fees.

It was provided that no religious instruction should be imparted in any approved school during school hours. The Act also prohibited a child's employment; accordingly, in any area to which the Act applied, no person was to take into any employment, any child who was not receiving primary education in an approved school or had not obtained a certificate of exemption under Section.

For the purpose of enforcing the provisions of the Act and the Rules made thereunder, one or more School Attendance Committees might be appointed by the Government for any specified area, with such powers and in such manner as might

29 Act VIII of 1921, Ibid. p 2.
30 Ibid.
be prescribed. It was to be the duty of the School Attendance Committee, subject to such byelaw as might be made in that behalf, to secure within its area the attendance of every child who was liable to attend school under the Act. The Government might invest any officer of the Government with all the powers of a School Attendance Committee for the purpose of that Act in any specified area. It was also provided that where the School Attendance Committee was satisfied that a child in its area did not attend school, it might after due warning, make a complaint against the parent of the child before a Magistrate. The Magistrate, on being satisfied of the truth of the Complaint, was to issue an order directing the parent to cause the child to attend school before a certain date. If the order was not complied with and the School Attendance Committee did not see any reason for non-compliance, it might prosecute the defaulting parent before a Magistrate. The parent could, on conviction before the Magistrate, be punished with a fine not exceeding twenty-five rupees, and in case of a continuing offence or persistent default, with imprisonment for a term not exceeding two months, or with a fine not exceeding fifty rupees, or with both. The Act also made clear that no court should take cognizance of an offence appointed in the place of the committee by the Government.

Similarly, whoever knowingly took into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of Section 3 applied, so as to interfere with the instruction of such child, was, on

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31 Ibid., p.
32 Ibid.
conviction before a Magistrate, punishable with a fine not exceeding twenty-five rupees, and in the case of a continuing offence, with imprisonment for a term not exceeding two months or with a fine not exceeding fifty rupees, or with both.\textsuperscript{33}

When the act of taking a child into employment in contravention of the provisions of the Act was committed by an agent or workman of the employer, such agent or workman was liable to the same penalty in the same manner and subject to the same conditions, as if he were the employer.\textsuperscript{34} A complaint to a Magistrate under Section 9 or Section 10 could be made on behalf of the School Attendance Committee by such person as might be authorized by the Committee in this behalf.

Another important provision was that no fee was to be levied from any child in any approved school in the area to which the Act applied, in respect of the Primary education of such child.\textsuperscript{35} The Government might, for the purpose of the Act and subject to such rules as might be prescribed, levy, throughout the State or in any specified area, an education cess at such rate as might be fixed by the Government from time to time.

The Government might make rules to carry out all or any of the purposes of that. The Act also made clear that in particular and without prejudice to the

\textsuperscript{33} Ibid., p. 4

\textsuperscript{34} Ibid.

\textsuperscript{35} Ibid.
generality of the force going provisions, such rules might provide for and regulate the following matters:

1) The appointment, powers and duties of the School Attendance Committee and of officers appointed in place of such committees.

2) The conditions of recognition of primary school and the exercise of the powers recognizing such schools.

3) The grant of exemption certificates under Section 4.

4) The levy of education cess under Section 14.

5) The appointment, training, payment and terms of employment of teachers.

6) The records to be kept in approved schools.

7) The inspection of schools.

8) The medical inspection of school children.

9) The provision for mid-day meals to indigent children receiving primary education.

10) The physical and moral training of school children.

11) The supply of books, slates and other educational requisites to indigent children receiving primary education.

12) All matters required or allowed to be prescribed by the Act.

The Travancore Primary Education Act of 1945 was a ‘miracle’ in the history of education in Kerala. It is not easy to find out a similar legislation in the history of monarchy in the State. The idea of the Government to follow a policy of
universal, free and compulsory primary education for children was inspired by noble idealism. The Government had taken it as its duty to educate the children and that is why the parents were penalized and even imprisoned for non-attendance of children in schools. The well-defined duties and responsibilities of the School Attendance Committee were commendable.

Cultural Regulations

Since drama and cinema being the most effective means of cultural entertainments in the modern context, the Government of Travancore undertook certain solid measures to prevent its mismanagement. The Government brought about the Cinematograph regulation in 1927 for the social and moral well being of the people. The Regulation was further amended in 1955, which ensured safety to the public. Like wise steps were taken to prevent the misappropriation of dramatic skill for scandalous, defamatory, seditious and obscene purposes. On the other hand the Cinema and drama became the most powerful mass medias to exert its tremendous impact on the common people.

The Cinematograph Regulation –1927

The cinema had become a very popular amusement and it was indeed a most momentous invention of the 1920’s. By this time French, American, Italian, British, German and Danish films were regularly shown in India and Cinema theaters
became a feature of major Indian cities\textsuperscript{36}. In 1913 Dada Sahib Phalke made the first Indian feature film, Raja Harichandra. But the first silent film in Malayalam, Vigatakumaran written, produced and directed by J.C.Daniel was shown to the public only in 1928\textsuperscript{37}. The first sound feature film in Malayalam was Balan, produced by T.R.Sundaram of Modern Theatres Salem\textsuperscript{38}. Naturally, the cinematograph exhibitions were largely attended and it was necessary to look after the safety and protection of those who attended such performances. The people who attended such film shows had to be given necessary accommodation and protection. The cinematograph apparatus in those days was of an easily inflammable material.

Another point was that the exhibition of improper films had to be prohibited.

The Government of Travancore appointed a committee to study the Cinematograph Bill. The report of the Select Committee was published on 16 March 1922. The Committee was of the opinion that license should be issued for cinematographic exhibitions and in municipal areas the licensing authority should be the municipal council, to grant licenses under the Municipal Regulation. In other areas, the District Magistrate or such other authority as was be constituted by the Government was to be the licensing authority. The Committee pointed out that the authority issuing the license had to conform to the provisions of this Regulation, with

\textsuperscript{36} P.J. Cherian, \textit{Essays on the Cultural Formation of Kerala}, p.349.

\textsuperscript{37} \textit{Kerala Kaumudi}, dt 2.7.2000, p.1.

\textsuperscript{38} P.J. Cherian, \textit{op.cit.}, p.349.
out difficulty to the objects of the enactment. 39 The Legislative Council discussed
the Cinematograph Bill on 20th April, 1926 in detail 40.

For the purpose of ensuring proper control of cinematograph 41 exhibitions,
with particular regard to the safety of those attending them, and to prevent the
presentation to the public of improper or objectionable films, the Travancore
Cinematograph Regulation 42 was passed by the Travancore Government on 10
Edavam 1102 M.E, corresponding to 24 May 1927 A.D, and it extended to the whole
of Travancore. According to this Regulation, no person was to give an exhibition by
means of a cinematograph elsewhere than in a place licensed under this Regulation,
or otherwise than in compliance with any conditions and restrictions imposed by
such licence. The licensing authority should be the municipal councils in municipal
areas, and the District Magistrate in other places.

As per this Act, there were some restrictions on the powers of the licensing
authority. He could not grant a licence under this Regulation unless it 43 was
satisfied that the rules made under the Regulation had been substantially complied
with, and adequate precautions had been taken in the place in respect of which the

39 Report of the Select Committee on the cinematograph Bill, Travancore Government
Gazette dt 16-3-1922


41 Cinematograph includes an apparatus for the presentation of moving pictures or a series
of such pictures.


43 Ibid., p.1203
licensure was to be given to provide for the safety of persons attending exhibitions therein.

There were also provisions in the Act regarding punishment for contravention of this Regulation and Rules. If the owner or person in charge of a cinematograph used the same or allowed it to be used in contravention of the provisions of this Regulation he was punishable on conviction by a competent court. The punishment was a fine which might extend to one thousand rupees, and in the case of a continuing offence, a further fine which might extend to one hundred rupees for each day during which the offence continued and his licence was liable to be revoked by the licensing authority.

This Regulation also made provisions for constituting a Board consisting of official and non-officials for the purposes of examining and certifying films as suitable for public exhibition. It was also provided that the certificate of the Board would be valid in such area as might be specified in the certificate. If the board considered a film suitable for public exhibition, it would grant a certificate to the effect to the person applying for the same, and would cause the film to be marked in the prescribed manner. If the Board found a film not suitable for public exhibition, it should inform the matter to the person. However, the person could file an appeal to the Government within thirty days for reconsideration of the matter, and the decision

44 Ibid., p. 1204
45 Ibid., p. 1204
of the Government would be final. The District Magistrate also enjoyed powers to suspend the certificate of any film pending the orders of the Government. It is also important to note that the Government enjoyed powers to exempt, subject to such conditions and restrictions as they might impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this regulations.

The Cinematograph Regulation was another notable contribution to the social and moral well-being of the people. It ensured the safety of those who attended cinematograph exhibitions. It permitted exhibition only of films of a proper standard.

**Travancore Dramatic Performances Act-1939**

The Government felt the need for the better control of public dramatic performances. It was expedient to provide for the prohibition of public dramatic performances, which were scandalous, defamatory, seditious or obscene. For this purpose, the Government of Travancore brought forward and passed the Travancore Dramatic Performances Act, 1115 on 5 September 1939. This Act extended to the whole of Travancore and came into force at once. According to this Act, whenever the Government was of opinion that any play, pantomime or other drama performed or about to be performed in a public place was of a scandalous or defamatory nature or likely to excite disaffection against or bring into hatred or contempt the King or the Government or the King Emperor of India or the Government established by law

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in British India, or the Ruler of an Indian State, or likely to bring into hatred or contempt any member of the ruling family of Travancore the Government could prohibit the performance by order. The Act provided that a copy of the order of prohibition might be served on any person about to take part in the performance so prohibited or on the owner or occupant of any house, room or place in which such performance was intended to take place and any person on whom such copy was served and who did or willingly permitted any act in disobedience to the order would be punished on conviction before a Magistrate, with a fine or imprisonment for a term which might extend to three months or both.

A major drawback of this Act is that the government of Travancore even protected the government established by law in British India even through legislation. It is true that the government of Travancore had accepted British supremacy from the days of Marthanda Varma and hence the government had to incorporate such a provision. Above all this act was an attack on the freedom of expression of the people.

The Travancore-Cochin Places of Public Resort Act – 1951

In the state of Travancore-Cochin, it was expedient to provide for the inspection of places of public resort and entertainment and for the licensing of the same by competent authority. For that purpose, the Travancore-Cochin Places of
Public Resort Bill was prepared\textsuperscript{48}. In Travancore, the District Municipalities Act and City Municipal Act contained provisions prohibiting cinematograph and dramatic performance except in licensed premises. Those provisions were not sufficient, and more elaborate provisions became necessary. Following Madras, in the Cochin area there was in force an enactment with similar provisions\textsuperscript{49}. But there was no unified legislation in the Travancore-Cochin State for that purpose. Therefore, the Government passed The Travancore-Cochin Places of Public Resort Act 1951. The Act was extended to the city of Trivandrum and to all areas in the States, which were declared municipalities, but the government might from time to time cancel or modify any such notification\textsuperscript{50}. However, this Act exempted temples, churches, mosques or any place of public worship or any building belonging to or under the control of the Government.

The Act provided that within its area, no enclosed place or building with the minimum 500 sq. feet should be used for public resort or entertainment unless a particular licence was obtained in the manner specified by the Government.

That provision was the precautionary measure of the Government, to save the interest of the common people, from the exploiting tendency of any proprietor, who might use any building, with or without enclosure, for public resort or entertainment.


\textsuperscript{49} \textit{Ibid}.

In the proposed application for licence, the proprietor should specify whether the place was situated in the corporation area or municipal area or panchayat, whether the need was to run a public resort or entertainment hall, and whether the building was permanent or temporary. The same Act provided conditions for granting licence for permission. But the licensing authority should be satisfied that the enclosed building would be safely used for resort or entertainment, and that no objection would arise from its situation, ownership or purpose proposed. In order to get licence, the proprietor should have submitted a written application. The licence might contain the period for which the licence was issued\(^5\). The Travancore-Cochin Places of Public Resort Act of 1951 was a sufficient guarantee for the public.

**The Travancore – Cochin Cinemas (Regulation) Act – 1955**

In the State of Travancore Cochin, two Cinematograph Regulations existed, the Travancore Cinematograph Regulation of 1927 and the Cochin Cinematograph Regulation of 1927. But there was no uniform regulation for the Travancore-Cochin State, and hence the Government brought forward and passed the Travancore-Cochin Cinemas\(^5\) (Regulation) Act, 1955. The Act came into force on 25 May 1955. The purpose of the Act, as stated in the preamble, was to regulate

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51 ibid., p. 653

52 *Travancore-Cochin Gazette Extraordinary*, dated 25.5.1955.

exhibitions by means of cinematographs. The Act was extended to the whole of the State of Travancore Cochin.

It was provided that cinematograph exhibitions had to be licensed, and accordingly, no person was to give an exhibition by means of a cinematograph elsewhere than in a place licensed under the Act or otherwise than in compliance with any conditions and restrictions imposed by such licence. The authority having power to grant licences under the Act, should be, in the city of Trivandrum, the Council of the Corporation of Trivandrum; in any Municipal area, the Municipal Council concerned, in any Panchayat area, the Panchayat concerned, and in any other area, such authority as the Government might by notification specify in that behalf. The licensing authority might grant licences under the Act to such persons as that authority found fit and on such terms and conditions and subject to such restrictions as it might determine.

The Government and the District Magistrate enjoyed power to suspend exhibition of films in certain cases, and accordingly, the Government, in respect of the whole State of Travancore-Cochin or any part thereof and the District Magistrate in respect of the District within his jurisdiction, might, if they were or he was of opinion that any film which was being publicly exhibited, was likely to cause a breach of the peace, by order, suspend the exhibition of the film. Penalties for

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54 "Cinematograph" included any apparatus for the representation of making pictures or a series of pictures

55 Ibid. p. 24
contravention of the Act and Rules were also provided. If the owner or person in charge of a Cinematograph used the same or allowed it to be used, or if the owner or occupier of any place permitted that place to be used in contravention of the provision of the Act or the Rules made thereunder, or of the conditions and restrictions upon or subject to which any licence had been granted under that, he would be punished with a fine which might extend to one thousand rupees. 56

It was provided that the licensing authority might revoke the licence, where the holder of a licence had been convicted of an offence under Section 7 of the Cinematograph Act, 1952 or under Section 7 of the Act. At the same time, the Government might, by order in writing, exempt, subject to such conditions and restrictions as they might impose, any cinematograph exhibition or class of cinematograph exhibition or class of cinematograph exhibitions from all or any of the provisions of this Act or of any Rules made thereunder. 57 The Act repealed The Travancore Cinematograph Act, 1102 (Act I or 1102) and the Cochin Cinematograph Act, 1102 (Act IV of 1102) since those Acts were related to regulation of cinemas including their licensing.

The Travancore-Cochin Cinemas (Regulation) Act, 1955, had many positive aspects. First of all, the Government of TC State assured the safety of the person from any danger in the course of viewing a cinema. But for these rules, the exhibitors of cinemas would have ignored the safety of the people. To enforce this

56 Ibid. p. 25
57 Ibid., p. 26
Act, the Penal Code was enlarged and punishments were made severe. Secondly, the Act was a contribution to the cultural heritage of the State since it acted as a barrier to the presentation of indecent films.

The Government of Travancore initiated necessary measure, for the establishment of a university from the year 1971 onwards. Equal importance was given to primary education, which resulted in introducing universal free and compulsory primary education. Both the legislations were passed at the interest of the Government.

The Cinematograph Regulation of 1927, Travancore Dramatic Performances Act of 1939 and the Travancore – Cochin Cinemas (Regulation) Act of 1955 were sufficient guarantee for social and moral well being of the people. Initiative for cultural regulations had come from the government.