CONCLUSION

Some of the major social legislations enacted by the Government of Travancore from 1925-56 have been examined in the foregone pages. In terms of their content, character and historical circumstances these legislations present a wide spectrum. The observations are summarised as below:

The social legislations of Travancore are classifiable under four categories.

1. The Government of Travancore paid due attention for the redressal of the grievances of different communities. The Nayar Regulation of 1925 offers a fine instance. It may be considered as an important social legislation of the 20th century Travancore. The Nayar Regulation of 1925 was a turning point in the social systems of the Nayar community in Travancore.

All Nayars of Travancore had been following the matrilineal system of inheritance. The major drawback of matrilineal system was that no individual could claim his share of joint property. Alleged misuse of powers of Karanavar was another problem for the members of the taravads. The marriage system of the Nayars was to be modified since it was contracted with considerable ease. The Nayar Regulation completely eradicated the evils of marumakkathayam. Individual partition of the taravads was the only remedy to remove the existing evils and to give

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free and full scope for individuality. Individual partition was accepted as the goal towards which the society was moving.

The Nayar Regulation of 1925 changed the social life of Nayars in Travancore and made it safe and secure, thus contributed to their social and economic development. The most revolutionary provision in the regulation was with regard to the taravad, its management and partition of taravad’s property. According to this regulation, no Karunavayar or any other managing member should sell, mortgage, or lease immovable property for a period of more than twelve years, except for taravad’s necessity and with the written consent of all major members of the taravad. Subject to the provision of sections, 34, 35 and 36 of Nayar Regulation - 1925, every adult member of a taravad was entitled to his or her share of the properties of the taravad. Following this, two things happened among the Nayars. On the one hand the increased mobility and especially the gradual breakup of the large taravads led to large number of Nayar sub-castes being migrated in many areas. On the other hand, there has been a movement towards breaking down of Nayar sub-caste distinctions and an attempt to unite all Nayars. It became one of the aims of the Nayar Service Society in Travancore. The breakdown of Nayar sub-caste distinctions occurred more in Travancore than elsewhere.2

The Nayar Regulation cut at the very root of the marumakkathayam system. It gave another shock to the supremacy of the Brahmins over the Nayar community.

The monopoly of the Karunavar ended for ever. The Regulation transformed taravads into families in the real sense of the word, united by bonds of natural love, the children looked the parents with affectionate regard for support and guidance. The Nayar Regulation 1925, was thus a great contribution in the struggle for existence and in the race for progress.

The Ezhava Regulation – 1925, is a landmark in the history of Ezhava Community in Travancore. The Ezhavas of Travancore followed three systems of inheritance: makkathayam, marumakkathayam and misradayam (a mixture of two systems). Partition though was possible with the consent of all members of the family, rarely took place in practice. The eldest male member held the right to the management of the whole of the family property as was the practice among the Nayars. Hence Ezhava community also experienced problems similar to experienced by the Nayar community. The S.N.D.P. Yogam submitted a memorial to the Government for enacting a law of succession and marriage for the Ezhavas in 1913. The Regulation was modeled upon the Nayar Regulation though certain provisions were modified to suit the particular habits and customs of the Ezhava community. The Regulation was the culmination of the prolonged struggle of the Ezhava community.

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The Regulation put an end to the matrilineal system which existed among a group of Ezhavas and patrilineal system was accepted by all members of Ezhava community. It made division of property among the members of the *taravad* possible. The Ezhava Regulation contributed much to the social and economic growth of the community. With the enactment of the above Regulation, the community succeeded in uniting the *makkathayees* and *marumakkathayees* thus gaining social unity and strength to fight against the domination of the upper classes. The social and economic progress of the Ezhavas owe a lot to the Ezhava Regulation of 1925.

The Nayar Regulation of 1925 and Ezhava Regulation of 1925 were accepted by the members of these communities in unison. But when the Malayala Brahmin Bill came up for discussion in 1931, it was strongly opposed by a group of Brahmins. There were strong debates in the Travancore Legislative council demanding the abandonment of the bill. But finally the government passed the Bill and in the next year the Travancore Kshatriya Regulation 1932 was passed. The Kshatriya Bill did not face a similar fate as in the case of the Brahmin Regulation.

The basic changes brought in by the legislations among the Malayala Brahmin and Kshatriya communities were tremendous. The unrestrained authority and powers enjoyed by the *Karanavar* came to an end. The property could be subdivided among the members of the family. Women got the privilege of getting a share of the property. Clear-cut provisions were prescribed for marriage and its dissolution. Necessary provisions came into existence for intestate succession.
The Travancore Muslim Succession Regulation of 1932 was another instance of the communal harmony followed by the state of Travancore. While all other community legislations passed were of similar nature, this had a different nature. It so happened because according to the religion of Islam, a Muslim was not allowed to follow any other law except the Islamic Law. Hence it was obligatory for all Muslims to be governed by the Islamic Law of inheritance. Some Muslims in Travancore followed the Marumakkathayam Law against the clear instruction of the Holy Koran. But the aspiration of the Muslim Community as a whole was to remove the marumakkathayam system of inheritance from among them and to bring them into the fold of the Mohammedan Law\(^5\). Neither the Government of Travancore nor the people of Travancore stood against the wish of the Muslims. The Muslim Succession Bill also was passed without any opposition in the legislative council.

An important point to be noted here is that the Government's policy was same towards immigrants also. The Nanjinad Vellalas and the Krishnan Vaka marumakkathayecs were immigrants to Travancore. The Nanjinad Vellalas had continued their original system of inheritance. But after migration to Travancore they started following the makkathayam system of inheritance just like the Nayars, the Ezhavas, the Malayala Brahmins and the Kshatriyas. The Nanjinad Vellala Regulation was passed in 1927, even before the Malayala Brahmin Regulation (1931) and the Travancore Kshatriya Regulation (1932). The immigrants were never oppressed in Travancore and they were provided with all necessary legal assistance.

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As a result of these social legislations several fossilized and worn out customs, which were undermining the rights of the people came to an end. They further marked the beginning of a new epoch, based on the fundamental principles of equality, and liberty

2. Land legislations of the Government of Travancore marked the dawn of another distinct epoch in Kerala. The Jenmi Kudiyan Regulation of 1932 was an act of great significance. The Regulation made it clear that the Jenmkaram was to be remitted by the Kudiyam to the State; and the State took the responsibility of remitting the Jenmkaram to the Jenmies. The Regulation swept away many of the old and well-established practices connected with Kanam tenancy. The tenancy reforms institutionalised the rights to the Kanam tenants. The Travancore Prevention of Eviction Act 1949 made clear that if a Kudikidappukaran was shifted to a new Kudiyurppu, the whole expense including the construction of the new building should be met by the owner. The Travancore – Cochin Prevention of Eviction of Kudikidappukars Act of 1955 was passed as a continuation of the earlier policy. The Travancore-Cochin Requisitioning and Acquisition of Property Act 1955, was another Act of considerable social significance. In that act, the government took all possible steps for giving justice to the owner of a land when it was acquired for public purpose.

Another important impact of the land legislation of Travancore was that, Kerala developed a feudal mode based on private property in land, and on the
principle of 'nulle terra sans seigneur' – no land without a lord. In contrast to the earlier role of Nambuthiris as the main agents of social control, restricting and regulating the village social relations in such a way as to ensure their socio-economic and religious superiority over the other groups, the Nambuthiris were now neither agents of social control nor had any influence on the other groups. Instead they became socially and economically dependent on these groups and had to adjust and adapt to the changing social scene.

Many existing social injustices based on caste and religion were removed through legislations. The Travancore Removal of Social Disabilities Act of 1950, was passed with a view to restrain the oppression and torture imposed on the backward classes in the state. The Travancore-Cochin Removal of Civil Disabilities Act was passed in the same year. The demand for those legislations had come from the people, themselves.

The measures followed by the Government of Travancore for the protection of women and children were equally important. The government took special interest in the case of widows. Though in Travancore the proportion of widows to the total number of females was less than in other parts of India, it was more than

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6 Kathleen Gough, 'Modes of Production in Southern India' *Economic and Political Weekly*, February 1980 p 351.

negligible. As per the latest Census Report of Travancore which was available in 1938, there were 119 widows per 1,000 females as against 155 in India. Among Brahmins other than Nambuthiris and Pottis, pre-puberty marriage of girls was compulsory and widows were prohibited from re-marrying. The Brahmin widows had to suffer a lot of atrocities in Travancore. There was a time in Travancore when people were shocked when they heard about widow remarriage. The Travancore Hindu Widows' Remarriage Regulation of 1938 was a revolutionary enactment by the Government of Travancore. The Regulation could put an end to the sufferings of hundreds of Hindu widows.

The Government of Travancore took special interest in the welfare of children. Child marriage was not a serious problem in Travancore. The number of girls who got married before the age of fifteen was lesser in Travancore than in other parts of India. According to the census of 1931, forty-two girls out of 1000, between the age of five and fifteen, were either married or widowed in Travancore as against 221 in India. The corresponding number in the case of boys was smaller, being only 5 out of 1000. The Travancore Child Marriage Restraint Act of 1941 was an important contribution of Government of Travancore towards child welfare.

Prohibition of Child Marriage is a must for any progressive society. But it was quite unfortunate that the Government of Travancore passed this Act only in

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1941. There was hue and cry for the abolition of child marriage all over India right from the beginning of second half of the nineteenth century. The Brahmo Samaj, The Arya Samaj, Sree Ramakrishna Mission and many other social reform movements were protesting against this social evil and doing everything to undermine the practice of child marriage. But in Travancore, it took nearly another century for the abolition of such a social evil.

The Government of Travancore prevented the employment of women in factories for four weeks before and after confinement through the Travancore Maternity Benefit Act of 1943. The same Act also provided for the payment of maternity benefits to them. The Government of Travancore took special interest in the security and social well being of women, as is well evident in this Act. Sufficient provisions were provided to protect the rights of expectant women before, during and after confinement. This was indeed a gesture of commitment the Government of Travancore towards promotion of welfare of women workers in Travancore.

The Travancore Special Marriage and Succession Act of 1943 was a revolutionary legal measure in the history of Travancore. Through this Act inter-caste and inter-religious marriages were provided legal validity. The Travancore Special Marriage and Succession Act of 1943 was an attempt to liberate people from caste and communal barriers. The Act also had provisions for the dissolution of marriage and intestate succession.

The well being of a society depends on the care of the child. The Travancore Children Act of 1945 is a fine instance of the policy followed by Government of Travancore towards Children. It was an act calculated to the well being of the children and also to prevent all possibilities of misuse of children for selfish ends.

The Travancore Suppression of Immoral Traffic Act – 1941 and the Travancore-Cochin Suppression of Immoral Traffic Act – 1952 were steps initiated by the Government for the protection of the social morality. Suppression of Immoral Traffic in Travancore was a significant legal measure conducive to social welfare.

3. Education play a vital role in the process of social change. The Government of Travancore extended its sincere co-operation through a series of legislations, which promoted education at different levels, from the primary to the University.

Establishment of the University of Travancore in the year 1937 through the Travancore University Regulation and the introduction of universal, free and compulsory primary education for boys and girls through the Travancore Primary Education Act in 1945 are landmarks in history of education in Travancore. Education at the University level is concerned with the promotion and transmission of knowledge and the development of new knowledge. The contributions made by the University of Travancore to the transmission of knowledge are so great that it could convert the state of Kerala into one of the ‘model’ states in India.

The Education Re-organisation Committee appointed by the Government in 1945 came to the conclusion that the existing system of education had already reached the utmost limits of expansion and that the next logical step in improving it would be the introduction of a new system of compulsion. Therefore the Committee recommended the introduction of compulsory primary education for a period of five years duration. The Government took it as its primary duty to educate the children and hence the parents were penalized and even imprisoned for non-attendance of children in schools.

The Government of Travancore was really interested in cultural affairs and it could be seen through different cultural regulations. The Cinematograph Regulation of 1927 offers the best example. The Act permitted exhibition of films of a proper standard only. The Travancore Dramatic Performances Act of 1939, The Travancore-Cochin Places of Public Resort Act of 1951 and the Travancore-Cochin Cinemas (Regulation) Act of 1955 were the other important legislations in the field.

4. The Government of Travancore passed a series of legislations for the welfare of the people and it included protection of lunatics and even prohibition of sacrifices of animals and birds. The Travancore Lunacy Regulation of 1935 protected the poor lunatics from cruelty and ill-treatment. It adopted every possible measure for the


maintenance and protection of the lunatics. It is important to note that the Regulation even had provisions for the punishment of the Manager of the lunatic homes who failed to present correct annual accounts. The Act also imposed penalty and imprisonment for improper reception or detention of lunatics.

The Travancore Prevention of Begging Act of 1945 was an act of great significance. In an ideal society nobody should be allowed to beg. If a person is not physically fit to earn his daily life, the Government should rehabilitate him. This is the principle that underlies that legislation. In the year 1947, the Government passed the Adults Act through which the right of franchise to all adults in the state was introduced.

The Government of Travancore came out with a revolutionary Act for the betterment of Travancore social life. That celebrated act was the Prohibition Act of 1948. The merit of that Act was that it laid down a series of laws to be observed and distinguished between what should not be done. The Travancore Fatal Accidents Act of 1948 assured the safety of Travancore from irresponsible acts of offenders. The act considered a human being to be the most valuable object and hence conferred on him the right to claim damages from the offenders as a matter of right. The Travancore-Cochin Prohibition Act of 1950 was both a preserver of liberty and a preserver of morality. In preserving the atmosphere of liberty to all even in law making the Government maintained the spirit of equality. The Travancore-Cochin Drugs (Control) Act of 1950 might be viewed as the first step towards the goal of the welfare state because everyone rich or poor, forward or backward became the
beneficiaries of its provisions. Through the Travancore-Cochin Animals and Birds Sacrifices Prohibition Act of 1953 the Government made it clear that killing birds or animals with the intention of propitiation of gods was a crime. The idea of the Government was to urge the society to practice a compassion, which would not encourage the killing or maiming of birds and animals.

The social legislations introduced by the Government of Travancore touched all-important fields of human activity except science and technology. The community legislations were aimed only at improving the existing framework of the caste system. They could not destroy the caste system, but succeeded in reducing its evils. The Government of Travancore followed one and the same policy towards all subjects. The Government treated people of different communities, the immigrants, the mentally retarded, the *kudikidappukar*, the women and children equally.

Social mobility could not have progressed well in Travancore state if the legislative bodies like the Travancore Legislative Council and the Sri Mulam Popular Assembly were not there to foster it. Many problems, which affected the society, were discussed in the Sri Mulam Popular Assembly and in the Legislative Council.