CHAPTER III

THE CONSTITUTIONAL REFORMS

During the early period the Maharajas of Travancore followed the codes of Manu, Yaajnavalkya and Prasara. Besides these the Dharma Sastras also guided the administration. These traditions commanded the respect from the rulers of Travancore. The kings honoured the old forms and respected the established customs and manners. They did not deviate from the ancient laws and rich heritage of Travancore. But the kings could not confine the people within the narrow walls. Hence there were popular movements in Travancore after the 1908 legislation.

3.1. The Legislation of 1010 M.E. (1835)

Kunden Menon was appointed Dewan Peishkar in 1010 M.E. The British Resident, Casmajor, was entrusted in the drawing of legal codes. Casmajor, appointed a committee of officers with sufficient knowledge in the administration and other legal codes and conducts. They carefully examined the law in force in the country and submitted a draft in Malayalam. As it was in Malayalam, the Resident could not understand the same and hence it was translated and submitted to him. The Maharaja promulgated the same. This was the first code of Regulations in the modern times.¹ But the
people found it difficult to give up the old customs, conventions and practices that were in use.

3.2. The Reform Act of 1860

The great upheaval of 1857 was subdued by the British forces. Following that Queen Victoria announced her proclamation on 1st November 1858. In the proclamation she announced, “We will generally, in framing, administering the law due regard be paid to the ancient rights, usages and customs of India.” In 1861, Lord Canning, the Viceroy of India promulgated the reform Act of 1861. It introduced portfolio system in administration. It also provided rooms to create councils for smaller states. Though Travancore did not fall under the British rules, the bureaucrats could understand that sooner or later, the Legislative Council should be formed for the sake of better administration of the state.

Sri Mulam Thirunal, the enlightened Maharaja, in consultation with the successive Dewans made settlement proclamations. Before making proclamations, he consulted the leading citizens to safeguard popular interests.

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3 Ibid., p. 426.
4 Ibid., p. 425.
3.3. Dewan Rama Rao’s Initiative

In 1888, Dewan Rama Rao instructed his peishkar to prepare a list of names of two respectable persons from each proverty (village) and directed him to appear before him during his visit for he learnt that legislation on sound lines in consultation with the people was the basis for efficient administration. In British India, the Indian Councils Act of 1861 paved the way for the association of the popular elements in the work of legislation. Sri Mulam Thirunal Maharaja gave his sanction to a foreward policy in laying the foundation for representative institutions in Travancore. Legislative Council that was inaugurated consisted of the Dewan as the president and not more than eight members to discuss matters relating to legislation. At the outset the Legislative Council functioned as a deliberative body. In 1898, the number of members of the Legislative Council was enlarged. The minimum number of members to the Council was fixed at eight the maximum fifteen. Of these two fifth of whom were non-officials. The sanction of the Dewan was made necessary for the consideration of any issue affecting the public revenue of the state and the religious rights and usage of the people.

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7 The Travancore Government Gazette, XXVI, No.17, 24 April, 1888, p. 355.
9 Government Gazette, No.18, 29 March, 1898, pp. 714-715.
This did not accommodate all the communities of Travancore. Hence, the Nayars who were the largest community, the Ezhavas and other communities made representations to include members from their respective communities. Hence, in response to the popular movements, Dewan Madhava Rao (1904-1908) advised Maharaja to create another Legislative body, the Sri Mulam Popular Assembly. In response to the Dewan’s advice he inaugurated Sri Mulam Popular Assembly, on 22\textsuperscript{nd} October 1904.\textsuperscript{11}

3.4. The Sri Mulam Popular Assembly

The Sri Mulam Popular Assembly consisted of one hundred members, of whom seventy seven were elected by general constituencies and the remaining twenty three were by the Government. The Sri Mulam Popular Assembly provided the people an opportunity of expressing their views regarding administration directly to the Government. They could also express their wishes or needed changes while representing their views.\textsuperscript{12}

The Sri Mulam Popular Assembly fixed property as qualification. Every person who paid an annual land revenue not less than fifty rupees or whose net income was 2000 rupees and every graduate of a recognized

\textsuperscript{10} Daniel, D., \textit{op.cit.}, pp.27-28.

\textsuperscript{11} \textit{Ibid.}, p. 28.

\textsuperscript{12} Velupillai, T.K., \textit{op.cit.}, Vol. IV, pp. 320-321.
University of not less than ten years standing were fixed as qualification.\textsuperscript{13} Further one should be a resident of the taluk. Only these persons had the right to vote and contest in the elections.\textsuperscript{14} This created dissention among the people.

Travancore consisted of more than seventy communities. Of which the Nayars formed the majority followed by the Ezhavas and then other communities. Except the Nayars other communities did not have neither property nor educational qualifications. So they organized into a group and submitted memoranda to the government. It was during this time the Indian Councils Act was passed.

3.5. The Impact of Indian Councils Act of 1909

While situation was embroiling the British Parliament passed the Minto-Morley Reform. It not only increased the number of members of the Imperial Legislative Council to hundred and ten, but introduced Muslim communal representation to the Council.\textsuperscript{15} Further the functions of the council were enlarged. Before the final settlement, the budget was to be presented to the councils.\textsuperscript{16} The Act of 1909 was an improvement upon the

\textsuperscript{13} The Madras State Directory, Cochin, 1984, No. VIII, p. 9.
\textsuperscript{14} Daniel, D., \textit{op.cit.}, p. 28.
\textsuperscript{15} Sathyanathier, R., \textit{op.cit.}, p. 486.
\textsuperscript{16} \textit{Ibid.}
Act of 1892. The reform of 1909 acted as a catalyst to the conception of responsible executives in the provinces.

Understanding the Indian Council Act of 1909, the people of Travancore began to demand to have Imperial Council and provincial councils in Travancore, with the right to discuss annual budget, to interpelate the Government and move resolutions on matters of public importance.

Soon after this, the First World War broke out in 1914. As Travancore became an ally of the Imperial government, she was forced to supply men and materials to help the British. This caused economic instability and large scale unemployment in the state. Hence the proposal for the improvement in the Legislative Council was not carried out immediately.

3.6. The Act of 1919

After the war climate vanished from Travancore, an act was promulgated on 6th September 1919. This Act reformed the Legislative Council. According to this Act, the membership of the Legislative Council was increased to twenty five. Of these two fifths were to be non-officials. The government was empowered to make rule. As per the new rules, each

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revenue division was to elect one member. The property qualification was reduced to Rs. 25 as annual tax in response to the popular demands. The Act conceded the members the right to interpelate the Government and to discuss the annual budget. It forbade the Council from considering any measure affecting the provisions that were found in the Act. It also affirmed the prerogative of the ruler to make and pass regulations and proclamations independently of the Council. This Act was an improvement over the other Acts. Many citizens of Travancore considered this retention of the right of the Maharaja as autocratic and reactionary.\(^1\) Mr. K. Parameswaran Pillai of Changanachery and his associates organised protest meetings in Travancore. The popular leaders demanded the reform of the Legislative Assembly.\(^2\) As the popular protests became serious and pressed their demands, the Government amended the regulation of 1919.

3.7. The Regulation of 1922

The new reform introduced on 2\(^{nd}\) October, 1921, effected changes in the composition, functions and powers of the council.\(^3\) In response to the popular demands and to the suggestion of Dewan Raghavaiah (1920-1925) the Government issued the Regulation of 1922 amending the earlier


\(^{22}\) Menon, P.K.K., *op.cit.*, p. 63.

Regulation of 1919.\textsuperscript{24} This order came to be called “The Travancore Legislative Council Regulation 11 of 1922 (1097 M.E.).\textsuperscript{25} It was passed with the object of bringing into existence of an enlarged Legislative Council with a substantial elected non-official majority and endowed with considerably larger powers than those possessed by the Council which it superseded.\textsuperscript{26}

3.8. Composition of the Legislative Council

The new reforms introduced by Dewan Raghavaiah effected changes in the composition, functions and powers of the Council.\textsuperscript{27} This Regulation of 1922 (1097 M.E.) raised the strength of the council from twenty five to fifty, of whom twenty eight were elected and twenty two nominated by the government to give representation to minority interests. Out of the latter, seven were non-officials.\textsuperscript{28} The expressions “official” and “non-official” were used in relation to any person holding office under the government and one who was not in the civil or military service of the government respectively.\textsuperscript{29} The rules under the Regulation of 1922 provided for increase

\begin{footnotes}
\footnote{The Travancore Govt. Gazette, Part II, 4 October 1921, pp. 747.}
\footnote{The Regulations and Proclamations of Travancore, Vol. V, 1097-1100 M.E., p.71.}
\footnote{Proceedings of the 17th Session 1921 of the Sri Mulam popular Assembly, Travancore, p. 13.}
\footnote{The Travancore Govt. Gazette Part II, 4th October 1921, p. 747.}
\footnote{The Regulations and Proclamations of Travancore, Vol. V, 1097-1100 M.E., p. 71.}
\footnote{Ramakrishnan Nair, R., \textit{op.cit.}, p. 63.}
\end{footnotes}
of membership. But fifty five percent of the members were to be elected and not more than thirty percent of the members were to be officials.\(^\text{30}\)

No official was qualified for election as a member of the Council and if any non-official member accepted office in the service of the government his seat in the Council would become vacant.\(^\text{31}\) Subject to the provisions of the Regulation, provision could be made by rules under the Regulation as to the term of office of nominated members of the council and the manner of filling casual vacancies occurring by reason of absence from Travancore, inability to attend to duty, death, acceptance of office of resignation duly accepted or otherwise and the conditions under which and the manner in which persons might be nominated as members of the council.\(^\text{32}\)

The franchise was considerably broadened under the Regulation II of 1922 (1097 M.E.).\(^\text{33}\) Every person who paid an annual land tax of five rupees or profession tax to a municipality and every graduate of a recognized university and having a residence in the taluk was given the right to vote and to contest elections.\(^\text{34}\)

\(^\text{31}\) Ibid.
\(^\text{32}\) Ramakrishnan Nair, R., op.cit., p. 64.
\(^\text{34}\) Padmanabha Iyer, A., op.cit., p. 17.
3.9. The Powers of the Council

The Regulation II of 1922 further increased the powers of the council. The tenure of life of the council was three years from the date of its first meeting. The council was granted the right of voting on the budget, asking supplementary questions and moving resolutions on matters of general public interest.

The power to vote on budget grants meant that the representatives of the people had thereafter an effective say in the matter of the expenditure of public funds. The annual budget of the state was to be presented before the council in the form of a statement. The council could deal with the budget subject to such conditions and restrictions as might be imposed by the government by rules made under the Regulation.

No proposal for the appropriation of any revenue or money should be made except on the recommendation of the government. The proposals of the government for the appropriation of revenues or money relating to pensions, gratuities, salaries, interest on loans, sinking fund charges, contributions and expenditure classified under Maramat or Political by the government should not be submitted to be voted upon by the Council was left to the Dewan.

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The right to determine whether the proposed appropriation of revenue or moneys did not relate to any matter not liable to be voted upon by the council was left to the Dewan.\(^{40}\)

The Regulation further laid down that, the proposals of the government for the appropriation of revenues or moneys were to be submitted to be voted in the council in the form of demands for grants. The council could assent or refuse its assent to any demand or reduce the amount therein referred to either by a lump sum reduction or by the omission or reduction of any particular item or items of expenditure of which the grant was composed. The demand as voted by the Council should be submitted to the government. If the Dewan was satisfied that any demand which had been refused by the council was essential to the discharge of the responsibilities of the government and the government would act as if the demand had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to, by the Council. Further the government could, in cases of emergency, authorize such expenditure as might, in the opinion of the government, be necessary in the interest of the government or for the carrying on the work of any department.\(^{41}\)

\(^{40}\) Remakrishnan Nair, R., *op.cit.*, p. 68.

3.10. Functions and Powers of the President

The Dewan was the ex-officio President of the Council. In his absence, a Deputy President was nominated.\(^{42}\) When any bill was passed by the Council it was submitted to the Maharaja through the Dewan for assent. No bill could become law without the Maharaja’s assent.\(^{43}\) The Dewan had the right to appoint time and place of meetings of the Council. Further the presiding authority had the power to adjourn the meetings of the Council.\(^{44}\)

All questions before the Council were determined by a majority of votes of the members present including the presiding authority who, in the case of equality of votes, exercised a casting vote. The Regulation provided that sanction of Dewan was necessary for certain measures. It was not lawful for any member to introduce, without the previous sanction in writing to the Dewan, any measure affecting the public revenues of the State or by which any charge would be imposed on such revenues or affecting the religion or the religious rites and usages of any class of the subjects or repealing or amending any law in force in Travancore not passed under section 14 of this Regulation or under the corresponding section of Regulation 1 of 1920 (1095 M.E.) of Regulation V of 1073 or Regulation II of 1888 (1063 M.E.).


\(^{43}\) Ibid., p. 74.

\(^{44}\) Ramakrishnan Nair, R., op.cit., p. 65.
The Regulation of 1922 enabled the Dewan to certify a bill, rejected by the Council, as essential for the safety, tranquillity or interests of Travancore and submit the same for royal assent. On the signification of the assent such a bill would become law.45

3.11. Women as Legislative Members

The Regulation II of 1922 provided certain privileges to women in order to raise the status of women in the society. Women were placed on par with men in matters of franchise and membership.46 They were given the right to stand for election to the Council.

3.12. Election to the First Council

The passing of the Regulation II of 1923 was followed by the appointment of R. Krishna Pillai, Dewan Peishkar, Quilon, as special officer for a period of three months to supervise the preparation of the electoral rolls and attend to the preliminary work in connection with the formation of the new Legislative Council.47 He visited all the municipal towns and taluks of the state and gave personal instructions to the Registration officers in the matter of the preparation of the electoral rolls. The total number of electors according to the final electoral rolls was 96,316, that is 2.5 percent of the

45 Ramakrishnan Nair, R., op.cit., p. 65.
total population of the state. The election to the council was held within a short period. As there was no contest, six candidates were declared elected uncontested.\(^{48}\) The first meeting of the council was held on 19\(^{th}\) July 1922.

The reorganization of the Legislative Council was an outcome of Raghavaiah's administrative skill. It provided wider opportunities for the representatives of the people to associate themselves with the legislative business of the state. The extension of the franchise and the equal opportunities afforded to women were indicative of the farsightedness of Dewan Raghavaiah.

3.13. The Constitutional Amendment of 1932

After the assumption of power by Sri Chithira Thirunal in 1931, further reforms were attempted. As suggested by the constitutional advisor C.P. Ramaswami Aiyer, he drafted a new political charter in 1932. According to this the Maharaja gave his people a new Constitution by which the legislature was remodelled. According to that the franchise was widened and granted greater rights to the people in the administration.\(^{49}\)

1. Under this Reform Act, the Sri Mulam Popular Assembly and the Legislative Council were replaced by the Sri Mulam Assembly the Lower House and Sri Chithira State Council or the Upper House.


2. The Assembly consisted of seventy two members of whom sixty were non-officials and twelve were officials.

3. Out of the sixty non-officials forty three were elected by the Territorial Constituencies and five by special Constituencies representing merchants, planters, landholders and industrialists.

4. Fourteen non-official seats were reserved for nomination by government to give representation to minority communities and other communities which have no proper representation.

5. The Sri Chithira State Council was composed of thirty seven members of whom twenty seven were non-official and ten were officials.

6. Out of non-official members, sixteen were elected by general constituencies like political prisoners, landholders and prisoners.

7. Five non-officials were nominated by the Government.

8. The Dewan was the president of both the Assembly and the Council.

9. The qualification required for the franchise was released. All persons holding land within the state assessable to a land tax of one rupee or above or a municipal tax of Rs. 5 was given franchise. All graduates of recognized Universities of the British India were eligible to exercise franchise to the Assembly.
10. Regarding the exercise of franchise to the Council was fixed at Rupees Twenty five annual tax and a municipal tax of rupees five. The educational qualification was fixed for the graduates of ten years standing.

11. The duration of the Assembly was limited to four years. The life of the council was also fixed at four years.

12. The Government has the right to dissolve either chamber before the completion of four years or extend its period.50

13. Both the chambers had the right to initiate and pass legislation.

14. All legislative measures generally required the assent of both the chambers for becoming laws.

15. The legislature was not given the report to enact any measure affecting the previous law.

16. The legislation was denied of the right to discuss or vote upon any subject affecting the external affairs. For that they had to obtain the permission of the Dewan.51

51 Ibid.
Thus, the reform was calculated to facilitate the progressive development of the state.\textsuperscript{52} Even though the reform was progressive in nature, in certain respects, the reform did not satisfy the political aspirations of the people in general. The constitutional reforms were aimed at doing good to the people of Travancore. But it did not satisfy the popular demands fully. Instead the reforms complicated the situation.

\textsuperscript{52} Velupillai, T.K., op.cit., Vol. II., p. 739. For further details refer appendix.