

Historical Analysis of Legislative System in Kerala

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Abstract

The Kerala State was formed in 1956 with the integration of the Princely states of Travancore, Cochin and Malabar. Among these three princely states, the Travancore contributed important political institutions to the modern state of Kerala. The genesis of the Legislative System in the erstwhile princely state of Travancore was a significant episode in the history of Kerala. The Legislative, Executive and Judicial institution of modern Kerala are the legacy of Travancore state. The first legislative body of Kerala was established by His Highness Sri Mulam Thirunal, one among the great rulers of Travancore. The first legislative body of Kerala, the Legislative Council, was formed by a Regulation on 30th March 1888. The evolution of Legislative Assembly of Kerala begins with the formation of the Legislative Council in Travancore which was formally inaugurated on 23rd August 1888. Later it led to the formation of a representative body in 1904 popularly known as 'Sri Mulam Popular Assembly'. This was the first popular representative body in the history of India.

KEYWORDS: Kerala-Princely State-Travancore-Legislative System-Sri Mulam Thirunal-Legislative Council-Legislative Assembly-Popular Assembly-representative body-history of India

INTRODUCTION

Origin of the name Travancore

The year 1888 is significant in the history of Kerala which led the beginning of a historical institution that played an important role in democratizing the erstwhile princely state of Travancore. The word Travancore is derived from the Malayalam term 'Thiruvithamkur' or 'Thiruvithamcode'¹, once it was the centre of the tiny kingdom of Venad. The Princely states of Travancore was known under different name at different times like *Venad*, *Vanchidesam*, *Tiru-adi-desam* etc. The Sanskrit term of Travancore was 'Srivardhanapuri' or 'Srivazhumkore', which means the seat of prosperity. The name 'Trvancaore' is nothing but the anglicized form of *Tiruvithamkode* in Malayalam. *Tiruvithamkode* was the then capital of the kingdom where the ruling princes had their residence. Travancore occupies the most southern portion of Kerala, which is said to have been reclaimed from the sea by sage Parasurama in the 'Thritha Yuga'².

Geography of Travancore

¹ D.Danial, *Struggle for Responsible Government in Travancore (1936-47)*, Raj Publishers, Madurai, 1986, pp.5.

² S.Ramanath Aiyer, *ABrief Sketch of Travancore- The Model State of India*, the Oriental Encyclopedic Publishing, Madras, 1920, p.1.

The kingdom of Travancore was situated between 8° 47' and 10° 22' north latitude and 76° 14' and 77° 38' east longitude. It was a narrow strip of territory bounded on the north by the Cochin state, west by the Arabian Sea and on the east by the range of Ghats which divided the state from the districts of Tirunelveli, Madurai and Coimbatore of Tamil Nadu State. Total area of Travancore was seven thousand ninety one square kilometers, measuring hundred and seventy four miles in length and thirty to seventy five miles in breadth. At present the Princely State of Travancore does not exist. After Indian independence of 1947, Travancore was integrated with the neighbouring princely state of Cochin. On first July 1949 it became a single unit called the United State of Travancore and Cochin, or 'Thirukochi'.³

Pre-Legislative Period in Kerala

As a result of the State Re-organisation Act of 1956, Indian Union came to have fourteen states and six Centrally administered territories. The Kerala State was one among them. It came into existence on first November 1956 by the integration of the princely states of Malabar, Cochin and Travancore.⁴

Travancore occupies a unique position among the native states in India during the pre-legislative period. Travancore was the only Hindu state in India which had never fallen in the hands of the Muslim rule⁵. It was the only native state where Hindu tradition, Hindu manners and customs, Hindu learning and the Hindu religion were preserved in their original simplicity and purity. Travancore was fortunate to have the prosperous rule of a long line of Hindu king who were willing to share the power with their subjects.

Travancore in Ancient Times:

In ancient times secular laws were not known to the Travancore community. The rulers of the Travancore ruled their land according to the laws stated in the Dharmasastra, the Code of Manu and Yajnavalkya. The era of the Dharmasastra was regarded as the golden age of Travancore⁶. In the later period besides Dharmasastras, the customs and conventions also became the main sources of law in Travancore. These customs and conventions are closely connected with the society. The rulers of princely states planning rules for the efficient administration of their state and took great care and pride in affirming that all matters of principle they adhered to the injunctions of the Dharmasastras.

Travancore in Medieval Period:

In the medieval period the Brahmin community occupied a central position in Travancore. They were the law givers and advisers to the rulers. But after the disintegration of the second Chera Empire, Kerala was divided into many principalities. Feudalism as a new socio-political system took its firm roots in Kerala during the medieval period. The areas that constituted Travancore were divided into many

³ A. Padmanabha Iyer, *Modern Travancore- A Handbook of Information, Part I*, Sridhara Printing House, Trivandrum, 1941, pp.31-35.

⁴ A. Sreedhara Menon (ed.), *District Gazetteers-Trivandrum*, Kerala Government Press, Trivandrum, 1962, pp.227-29.

⁵ V. Nagam Aiyya, *The Travancore State Manual, Vol. I*, Asian Educational Services, Madras, 1989, p.209.

⁶ *Ibid.*, p.210.

principalities and the most important among them were Venad, Attingal, Kayamkulam, Desinganad, Purakkad, Thekkumkur and Vadakkumkur⁷.

Modern History of the State of Travancore:

The modern history of Travancore began with the accession Marthanda Varma in 1729 A.D, who is hailed as the 'maker of modern Travancore'⁸. Through various conquests Marthanda Varma extended his kingdom and Travancore attained its territorial configuration. He appointed a ministry to assist the ruler in the field of administration. Men with special ability was appointed as Chief Minister, who is known as Dalawa⁹. He established a centralized administration in Travancore. Until the modification by western jurisprudence, the legislations enacted by the Maharaja were oriental in conception. They were issued from the form of *Chattavariyolas*¹⁰. The *Chattavariyolas* issued by His Highness Karthika Thirunal, in 1759-1799, was a prominent example of such legislation. Karthika Thirunal entered into a treaty of perpetual alliance with the English East India Company which helped to bring revolutionary changes in Travancore legislation. The arrival of British into the political arena of Travancore changes the existing systems. By the treaty of 1805 Travancore became the subsidiary of the Company and accepted protection of the British.

The first attempt to establish a good government in Travancore was pioneered by Velu Thampi. Velu Thampi with the support of people revolted against the corruptive officials who collected money from the people illegally. The success of the revolt made Velu Thampi the *Delawa* of Travancore in 1800. He introduced several progressive reforms in Travancore. Velu Thampi launched a scheme for reorganizing the governmental machinery and made an attempt to overthrow the British domination to liberate Travancore. But before he could fulfill his ambition he came to a dash with the English¹¹. His martyrdom helped to accelerated among the people the device to put down the British Colonialism.

In 1810 Colonel Munro became the Dewan cum Resident of Travancore. He was very innovative as an administrator and tried to establish his direct rule in Travancore. During his Dewanship, the principle of Anglo-India Legislations was engrafted on the Statute Book of Travancore¹². The administrative system that was established by Marthanda Varma underwent basic changes by this time. Colonel Munro had reformed and reorganized every department of the state. The most important among them are the 'Huzur Cutcherry', the Financial, the Treasury, the Revenue, the Judicial, the Police and

⁷ Suresh Kumar, *The Political Evolution in Kerala-Travancore:1859-1938*, Phonex Publishing House, New Delhi, 2000, pp.14.

⁸ *Ibid.*, p.15.

⁹ *Ibid.*, p.16.

¹⁰ M.C Valson, *Hundred Years of Legislative Bodies in Kerala (1888-1988) - A Centenary Souvenir Legislature*, St.Joseph Press, Trivandrum, 1999, p.103.

¹¹ M.J. Koshy, *Constitutionalism in Travancore and Cochin*, Kerala Historical Society, Trivandrum, 1972, pp.1-2.

¹² N. Sasidharan Nayar, *History of Travancore Legislature*, Kerala Historical Society, Trivandrum, 1984, pp.7-8.

the Military¹³. New courts were set up in Travancore led to the reformation of laws as per the models of British India. The rules and traditions of English laws and system began to penetrate into the Travancore jurisprudence and into the fabric of the judicial system of Travancore.

Legislative Development in Kerala (1888-1957):

The real development of the legislature started in Travancore with the formation of the first Legislative Council in 1888 by His Highness Sri Mulam Thirunal. The Indian Council Act of 1861 paved the way for the association of the popular element in the work of legislation. His Highness Sri Mulam Thirunal was the first ruler in Travancore who came to forward with policy of laying the foundation for representative institutions in Travancore. His Dewan, Rama Rao had devoted his best energy to implement his matser's scheme. The evolution of legislature in Travancore was the off shoot of the wise measure taken by the ruler.

The Legislative Council of 1888 laid the foundation stone of representative institutions in Kerala. Sixteen years after its birth, the year 1904 turned to be another landmark in the whole history of Travancore legislature. It was in this year, the Sri Mulam Popular Assembly came into existence. This was one of the significant steps taken by His Highness Sri Mulam Thirunal to associate his people with the administration of the state. The Sri Mulam Popular Assembly also known as 'Sri Mulam Praja Sabha' was more a representative body than a legislative body. It was an assembly of landholders and merchants in the country¹⁴. The establishment of the Sri Mulam Popular Assembly was a definite stage in the evolution of legislature in Travancore.

The Assembly composed of three kinds of members. They included those selected by the heads of district called *Dewan Peishkars*, those deputed by municipalities and other public bodies and associations, and finally those nominated by the government¹⁵. The members of the Assembly met once in a year. There were two representatives from the agricultural, trading and industrial interests who were chosen from each Taluk. They included landholders who paid on their own account annual land revenue of not less than Rs.100 and landholders or traders whose net annual income was Rs.6000 or more¹⁶. Those who had not completed eighteen years of age, dismissed officers, who was of unsound mind or was convicted of a criminal offence indicating a bad or immoral character were not eligible to be nominated as a member of the Assembly¹⁷. The government servants were prohibited to become the members of the Assembly. But the head of the various departments attended the meetings of the Assembly.

The total number of members was fixed as hundred. The period of membership of each member was one year. Among the hundred members, seventy seven were elected

¹³ V.Nagam Aiya, *The Travancore State Manual*, Vol.III, Asian Educational Services, Madras, 1989, p.379.

¹⁴ <http://keralaassembly.org/history/popular.html>.

¹⁵ R.Ramakrishnan Nair, *Constitutional Experiments in Kerala*, The Kerala Academy of Political Science, Trivandrum, 1964,p.7.

¹⁶ M.C Valson, *op.cit.*, p.87.

¹⁷ M.J Koshy, *op.cit.*,p.10.

and the remaining nominated by the government. The elected members mainly came from agricultural, trading, industrial and other classes. Soon after the election or nomination, the member would prepare a memorandum of the representations and suggestions they desired to bring forward and these were forwarded to the *Peishkars* of the respective divisions. Finally it was submitted to the *Dewan* with the remarks of the *Peishkars* of the respective divisions. The Sri Mulam Popular Assembly was a representative body with limited interest because the qualifications of the voters were fixed high. Besides, the government had the right to disqualify any person or cancel any election as invalid.

In modern sense of the term the Assembly was not a popular body and the term 'Popular Assembly' was a misnomer¹⁸. This is so because all classes of people were not represented in it. Only wealthy and influential people had a share in the Assembly. The franchise was also limited. The minorities were not given proper representation in the Assembly. The veto power of the Dewan was against the progressive and popular nature of the Assembly. The Sri Mulam Popular Assembly was more a petitioning body than a house of legislature. It had no functions relating to taxation and legislation. Its functions can be broadly categorized as critical, suggestive and ventilative¹⁹. Though the Sri Mulam Popular Assembly was not a law making body, in course of time it became a popular forum on matters relating to administration. Each member was allowed to bring forward two subjects for representation before the Assembly. The members suggested ways and means for improving the government machinery and also expressed popular grievances. Finally the government responded to the wishes of the people and in 1907 the Assembly was given the provision to select four members to the Legislative Council.

The Sri Mulam Popular Assembly of Travancore was conferred the right to elect for members of the upper Legislative Council of Travancore in 1907. This marked a significant step in increasing the representative character of the Council. A legislative committee was formed the same year to look into the matrilineal system of inheritance, Marumakkathayam. The Council was remodeled in 1919 through a regulation. It broad based the administration and powers of the Council. The strength of the Council was raised to twenty five, with a bare official majority. The members were given the right to interpolate and discuss the annual budget. The composition and character of the Council underwent further changes in October 1921. The total strength was raised to fifty. For the first time, elected members got a majority in the House. The official representation came down to fifteen. A Deputy President was named to preside over the Council in the absence of the Dewan. It was specified that he need not necessarily be an officer. The members were given right to vote on the Budget subject to certain limitations. They could also move adjournment motions and resolutions on matters of public interest and ask supplementary questions.

The 1930s saw significant advances in freedom of speech and powers of the legislature in Travancore. Freedom of speech was guaranteed in 1940 through an amendment to earlier Regulation on Legislative Council. The Legislative Council of Travancore and Sri Mulam Popular Assembly were replaced on October 28, 1932, with a

¹⁸ N. Sasidharan Nayar, *op.cit.*, p.33

¹⁹ *Ibid.*

formal bicameral system consisting of an Upper House, the Travancore Sri Chitra State Council, and a Lower House, Sri Mulam Assembly²⁰. It was specified that not less than fifty five per cent of the members should be elected and no more than one third should be officials. In the case of the Assembly, not less than forty eight members were required to be elected. Of not more than twenty four nominated members, twelve should be officials. The franchise was restricted and this invited strong protests from the Ezhavas, Christians and the Muslims who constituted seventy percent of the population.

The new bodies started functioning from January 1, 1933. They enjoyed more powers than their predecessors. The Assembly could vote on the budgetary demands for grants with powers to reduce and omit items. For the first time, a Public Accounts Committee was created making the executive increasingly accountable to the legislature. The Dewan was the ex-officio President of both the Houses. The Assembly elected its own Deputy President. Its term was four years. Foundation stone for a new building for the Assembly was laid on December 12, 1933 by the Viceroy Lord Wellington on the Northern side of the Secretariat. Dewan C. P. Ramaswamy Iyer opened the building on February 8, 1939 and the Second Sri Mulam Assembly met there the next day. The bicameral system continued to function till September 1947.

Despite progressive measures taken under public pressure including formation of the legislative bodies and effectiveness on the developmental front, the princely rule was grossly unpopular. Following intense agitations by the Travancore State Congress and an attack on Ramaswamy Iyer, the Maharaja of Travancore announced plans to establish a responsible Government "to build a new and in fuller amplitude the fabric of a great Travancore". As per the announcement on September 4, 1947, the new Assembly called the Representative Body was to function as a Constituent Assembly²¹.

The Assembly held its first sitting on March 20, 1948 with President A. J. John in the chair. G. Chandrasekhara Pillai was the Deputy President. At the first meeting itself, the Assembly expressed the desire to be invested with powers and functions of a Legislative Assembly and to have a ministry responsible to it. In accordance with that desire, the Maharaja promulgated the Travancore Interim Constitution Act on March 24, 1948, with provision for a Council of Ministers headed by a Prime Minister and collectively responsible to the Assembly. The Maharaja became the Constitutional Head. A Council of Ministers with Pattom A. Thanu Pillai as Prime Minister assumed office on March 24, 1948. In October 1948, T. K. Narayana Pillai succeeded him as the Prime Minister.

During that time the movement for a United Kerala gathered momentum. Following the national policy of integration, the States of Travancore and Cochin were merged into Travancore-Cochin state under the Raja of Travancore as the Raj Pramukh on 1st July 1949. A seven member cabinet was sworn in under the stewardship of Shri T.K. Narayana Pillai on that day, the first ministry of the erstwhile Travancore State. Consequent on political troubles within the party the T.K. ministry had to resign on

²⁰ <http://keralaassembly.org/history/powers.html>.

²¹ <http://keralaassembly.org/history/bicameral.html>.

February 24, 1951. The first general election was held from December 10, 1951 to January 5, 1952 in the erstwhile Travancore-Cochin State.

As a result of the disagreement between the Congress and Tamil National Congress, a confidence motion tabled by the ruling party on September 23, 1953 fell through. The Assembly was dissolved and the ministry continued as care-taker Government till the next elections. The second election to the Travancore Assembly was held in February 1954. That ministry also could not complete its term, and the State came under President's rule for the first time. Shri P.S. Rao was appointed Advisor to the Rajapramukh.

Reorganization of states on linguistic lines took place on the recommendations of the States Reorganization Commission. Thus the long-cherished dream of the Malayalees for a United Kerala came true on November 1, 1956. The entire Malabar District of Madras and the Kasargod Taluk of South Canara District were added to Kerala and the Tamil-speaking southern region of old Travancore State was annexed to the Madras State. The rule of Rajapramukh was ended and Shri P.S. Rao was appointed Acting Governor of Kerala. On November 22, 1956 Dr. B. Ramakrishna Rao assumed the gubernatorial office in Kerala.

The first elections to the Kerala Assembly were held from February 28 to March 11, 1957. Out of the total hundred and twenty six seats, eleven seats were reserved for scheduled castes and one for scheduled tribes. The number of constituencies was hundred and fourteen, of which twelve were two-member ones. The electors numbered 7,514,626 and the total number of valid votes polled as 5,837,577. The Communist Party of India emerged as the largest single party in the Assembly with sixty seats. It was for the first time in the history of the world that the Communist party came to power through ballot²². Five of the Independent candidates returned to the House had the support of the Communist Party in the elections and they, therefore, joined the communist Legislature party. The first popular ministry of Kerala headed by Shri E.M.S. Namboodiripad, leader of the Communist Party, was sworn in on 5th April 1957.

CONCLUSION

Among the innumerable native states which existed in India during the days of the British rule, Travancore earned a prominent place as one of the progressive states. One of the reasons for its progress was its legislative reforms. The birth of the legislative bodies in Travancore is a landmark in the history of Kerala. It is a common tradition for the writers to condemn monarchical administration as unpopular and undemocratic. But the study on His Highness Sri Mulam Thirunal's ruling period clearly reveals that the monarch himself took initiative in introducing democratic institutions to satisfy the clamour for popular reforms. Despite its limited representations, people indirectly began to show keen and intensive interest in the development of these institutions. The real aim of constituting, the legislative bodies in Travancore were to give the people in Travancore a chance to participate in the day to day administration of the state. This aim was not achieved at once. Many fundamental changes took place within the institutions in course of time. However these changes were only means and not the end for a Responsible Government in Travancore. Thus the democratization process that was inaugurated by Sri Mulam Thirunal were having far reaching influence in the history of Travancore and his

²² www.kerala.gov.in/:history-of-kerala-legislature.

ruling period can be considered as one of the golden era in the legislative history of Kerala state.

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