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REPORT
OF
THE NAIR REGULATION COMMITTEE

COCHIN



ERNAKULAM:

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ERNAKULAM,
10th September 1919.

From

M. R. Ry. T. S. NARAYANA IYER Avl., M. A. & B. L.,
President of the Cochin Nair
Regulation Committee.

To

THE SECRETARY TO THE DIWAN,
Local and Legislative Department.

Sir,

I have the honour to forward herewith the Report of the Cochin Nair Regulation Committee appointed by the Darbar in Diwan's Proceedings in the Local and Legislative Department, R. O. C. No. 2725/91, dated 9th September 1917, together with the Draft Cochin Nair Regulation framed by the Committee in the light of its findings on the evidence collected by it.

2. I regret very much that, owing to the sudden and unexpected death of our colleague Mr. K. P. Padmanabha Menon, his signature to the fair copies of the Report and the Draft Regulation could not be obtained, though he had generally approved of the same, differing only on a few provisions of the Draft Regulation. A separate Memorandum drawn up by him to supplement the Committee's report and furnished to me by the executor of his will is enclosed. Both on behalf of myself and my colleagues in the Committee, I wish to acknowledge the valuable services rendered by Mr. Padmanabha Menon at the numerous sittings of the Committee. His profound learning, ripe experience and calm judgment were of considerable help to the Committee in the execution of a very important task committed to it.

3. Statistical statements Nos. 1 to 21 prepared by the Committee in arriving at its conclusions and a printed copy of the depositions and written answers of the witnesses, etc., also form enclosures to the Committee's report. The Draft Bill of the memorialists forwarded with the Diwan's Proceedings under reference is also returned.

I have the honour to be,

Sir,

Your most obedient servant,
T. S. NARAYANA IYER,
President.

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REPORT

OF

THE COCHIN NAIR REGULATION COMMITTEE.

INTRODUCTORY.

A short historical account of the various attempts at legislation on the West Coast of the Madras Presidency on Marriage, Inheritance and other cognate matters in respect of persons following the Marumakkathayam system may be an appropriate introduction to the consideration of the questions referred to the Committee in the Proceedings of the Diwan of Cochin, Local and Legislative Department, dated 9th September 1917, R. O. C. No. 2725/91.

2. The steadily growing influence of western ideas and culture and the increasing contact of the Malayalees with people of different castes and creeds in and outside Malabar, facilitated by the introduction of railways and other means of communication, widened the outlook of the educated among them and awakened in them a spirit of enquiry regarding the suitability of their social system to the altered conditions of their community. The defects and imperfections in the Marumakkathayam system of inheritance were brought home especially to the educated Nairs when they lived with their wives and children away from their tarawad homes as Government servants, Vakils and in other capacities. They then realised the practical difficulties of adhering to the customs and rules of conduct which were no doubt found quite good in former times.

3. In the year 1878, an association composed mostly of the educated Malayalees was formed at Calicut with the object chiefly of bringing about a marriage law among the Marumakkathayam Hindus. Branch associations were also formed in different parts of Malabar. Mr. Logan, the then Collector of Malabar, sympathised with the objects of the Sabha and, in his capacity as Special Commissioner to report on the question of land tenure and tenant rights in Malabar, brought to the notice of the Madras Government in 1881 the defects of the Marriage and Inheritance Laws of the Nairs. The Madras Government referred the matter to a Commission in 1884 with the late Raja Sir T. Madhava Rao as President, and that Commission submitted a draft bill to Government providing a form of marriage and giving to the wife and children the property of the deceased. Nothing appears to have been done in the matter till 1889, when the Hon'ble Mr. (now Sir) C. Sankaran Nair introduced into the Legislative Council of Madras his Malabar Marriage Bill on the lines of the recommendations made by Sir T. Madhava Rao's Commission. Mr. Sankaran Nair's Bill was referred to another Commission (the Malabar Marriage Commission) with the Hon'ble Sir T. Muthuswamy Iyer as President, and the result of the labours of that Commission was the Malabar Marriage Act (Act IV of 1896). The main object of this Act was to enable persons following the Marumakkathayam and Aliyasanthanam Laws of Inheritance to contract marriages recognisable by courts of law as legal marriages and to make due provision for the issues of such marriages. It also provided for effecting divorce and imposing civil responsibility on the part of the husband or father to maintain his wife and children.

4. The Act was however not without its defects. It was only a permissive Act and required the registration of marriages by those who wished to be benefited by it. It did not bring about any reforms in the matter of tarawad management and the devolution of the self-acquired property of a junior member of a tarawad. The right of the Marumakkathayam or Aliyasanthanam persons to make testamentary disposition of properties was also in doubt which the Act did not remove. This last mentioned defect was however remedied by the passing of the Malabar Wills Act in 1898. A short period of rest followed and till 1910 there were no visible signs of any legislative activity. In 1910 Raja Vasudeva Raja of Kollengode and Diwan Bahadur M. Krishnan Nair, then Members of the Madras Legislative Council, sought for legislation on Inheritance and Partition respectively. The Malabar Inheritance Bill was introduced by the former providing for the devolution of the self-acquisition of a deceased anandaravan on the thavazhi. The Malabar Partition Bill providing for compulsory partition among the thavazhies was introduced by the latter. Both the bills fell through on account of their not being followed up in the Council on the expiry of the term of these Hon'ble members. In 1913 the Hon'ble Mr. K. P. Raman Menon,

introduced into the Madras Legislative Council a comprehensive Bill dealing with the questions of Marriage, Inheritance and Partition (the Malabar Marriage and Inheritance Bill and the Malabar Partition and Succession Bill), and though these two Bills were supported by a large number of educated people, they also met with a similar fate as the period of membership of Mr. Raman Menon expired soon after. Subsequent to this, no attempt at legislation appears to have been made and the Committee has reason to think that a move will be made by the Nair community of Malabar soon after the passing of a Nair Regulation in the Cochin State.

5. Passing on to Travancore, we find that, about the year 1885, the educated Nairs in that State pressed for reforms in matters of Marriage and Inheritance. The late lamented Mr. P. Thanu Pillai introduced a Nair Marriage Bill into the Travancore Legislative Council in that year but nothing came out of it as Mr. Thanu Pillai soon after died, though it must be noted that his Bill was influentially supported.

6. In the year 1899, the Travancore Government however passed a Wills Regulation (Regulation VI of 1074) and removed some of the disabilities of the Travancoreans, in respect of that matter. Nevertheless the Nairs of Travancore continued their agitation and some of the Nair delegates to the Sree Mulam Popular Assembly memorialised the Travancore Government in 1907 for introducing reforms in the Marumakkathayam system. A Committee known as "The Travancore Marumakkathayam Committee" presided over by Diwan Bahadur A. Govinda Pillai was accordingly appointed by the Darbar, and the same, after making elaborate enquiry in all the important centres of Travancore and taking the evidence of a large number of representative witnesses, submitted a draft Marumakkathayam Bill to Government providing for a Marriage Law for the Nairs of Travancore and proposing detailed provisions in regard to Inheritance, Succession, Tarawad management and Partition. The Travancore Government after revising the draft introduced the Bill in the Legislative Council. It was then referred to a Select Committee which considered the various provisions in the Bill and submitted its report together with an amended draft. There was however considerable difference of opinion among the members of the Select Committee and the Council in regard to the provisions for partition and the Bill as finally passed by the Government (the Travancore Nair Regulation I of 1088) was shorn of this question.

7. Though the question of partition was dropped then, Mr. T. K. Velu Pillai, a Member of the Travancore Legislative Council subsequently in 1916, brought in a Bill for partition but his efforts proved fruitless. The Nairs still seem to be agitating for the right of partition in Travancore.

8. There was not much of legislative activity in the Cochin State in regard to the social condition of the Nairs and the attempt of the Cochin Darbar to pass a Wills Regulation in 1908 on the lines of the Travancore Wills Regulation (Regulation VI of 1074) had to be given up in view of the strong protest of the public to such a half-measure. The draft regulation purported to curtail the already existing plenary right of the Nairs to dispose of their self-acquisitions by will and it was finally decided by the Darbar to drop the proposed measure and to await the result of the Travancore Marumakkathayam Committee already working.

9. Shortly after the passing of the Travancore Nair Regulation, the educated Nairs in this State began to bestow serious consideration to the subject of social reforms among their community, and in the year 1916, a large, representative and influential section of the Nair community headed by Mr. K. Raman Menon, B. A. & B. L., B. C. L., Bar at-Law, Chief Justice of the Travancore High Court, approached His Highness the Rajah praying for a legislative enactment on matters of marriage, inheritance, family management, etc., to suit the altered sentiments and feeling of the community at large. The memorialists say that "the complexities of modern social life and the new ideals they have inevitably created in the minds of the younger generation among us have often come into collision with the traditional notions of the less advanced sections of the community and the result has been a threatened disruption of families or at least the creation of a feeling of dissatisfaction and unrest". In order to satisfy the desire felt by the community, the memorialists submitted their suggestions in the form of a draft bill. The Darbar having found it desirable to ascertain the sense of the Nair community in Cochin in regard to the matters dealt with in the draft bill, a Committee was appointed as per the following Proceedings of the Diwan to which reference was already made.

"The Darbar have had under consideration a representation by a section of the Nair community of the State urging the necessity for legislation on the lines of the British Malabar Marriage Act of 1896 and the Travancore Nair Regulation I of 1088. The Darbar consider that it is necessary that an investigation should be conducted to ascertain the views of the Nair community in regard to the necessity for such legislation and, if the general consensus of opinion is in favour of legislation, the lines on which it should

Proceed. They are therefore pleased to appoint the following Committee to consider and report on this question :—

The Chief Judge,

President.

Mr. K. P. Padmanabha Menon,

„ V. K. Sankara Menon,

„ Desamangalath Valia Narayanan Namburipad,

„ Ambat Kuttikrishna Menon,

„ T. K. Krishna Menon,

„ P. Damodara Menon,

Secretary.

2. The Committee will be required to make such investigation into the existing customs, practices and usages prevailing among the Nair community as it may find necessary, to ascertain the general sense of the community and to submit a report as to whether legislation is desirable and, if so, on what lines it should be enacted. The effect of proposed legislation, if any, on other sections of the people should also be considered. The report should deal particularly with the following specific points :—

(1) Whether it is necessary or advisable to give legal recognition to the sambandham union.

(2) Whether the duties and powers of karanavans and anandaravans should be defined and, if so, on what lines.

(3) Whether power of bequest should be given to Nairs in regard to self-acquired property.

(4) Whether the self-acquired property of a Nair dying intestate should go to his wife and children.

(5) Whether an adult member of the tarawad should have the right to enforce partition.

In this connection it should also be ascertained whether the general sense of the community is in favour of individual partition or of thavazhi partition.

3. The Committee will be empowered to examine such witnesses and at such centres as it may deem necessary for the conduct of the investigation ordered above. The draft of the Regulation submitted by the memorialists to the Darbar will be forwarded to the Committee, who will be asked to revise it in the light of its findings and after ascertaining generally the views of the Nair community. The officers of Government will be directed to render all such assistance as may be required by the President to enable the Committee to carry its work ”.

10. Mr. T. S. Narayana Iyer, Chief Judge, was the President, throughout the enquiry. Mr. Desamangalath Valia Narayanan Namburipad resigned his membership soon after his appointment, and Mr. Kurur Damodaran Namburipad, appointed in his stead, though he did not formally resign his membership, took no part in the deliberations of the Committee. All the other six members did duty from beginning to end.

PROCEDURE FOLLOWED BY THE COMMITTEE.

11. On the 14th and 21st of Kanni 1093, the resident members of Ernakulam met and discussed the line of action to be taken. The Committee called for among other things statistical information on the following matters :—

(1) The number of Nair tarawads in each Taluk,

(2) The number of Nair tarawads that pay an annual assessment of Rs. 15 and above, with the names of their karanavans and two of the anandaravans, their educational qualification and profession,

(3) List of Nair tarawads the female members of which are allowed sambandham only with higher caste men,

(4) List of graduates, non-graduates and matriculates, resident or non-resident in each Taluk and

(5) List of Government servants, members of the bar, other non-official educated persons and members of associations, etc., who, in the opinion of the Tahsildars, are competent to give evidence before the Committee.

12. The Committee again met on 28th of Kanni 1093 and framed a set of questions to be served on the witnesses to make them fully acquainted with matters on which information was wanted by the Committee, and it was published in the Cochin Government Gazette dated 18th Thulam 1093 for general information, and a special notification was published in the Gazette dated 2nd Vrischigam 1093 inviting representations which public meetings or organised associations of Nairs or persons who had not been specially invited wished to make on matters dealt with in those questions.

13. These questions were sent for written answers to 104 gentlemen in and outside the State as it was thought that it would be inconvenient for them to appear before the Committee to give evidence. Among them are included 20 Princes of the Cochin Ruling family and 5 Princes of the Cranganur Chief's family. It was also thought desirable to ascertain the views of Nair ladies competent to form and express an opinion regarding the proposed legislation and invitations were sent to 43 select ladies to favour the Committee with an expression of their views. The *via voce* witnesses were selected from the lists furnished by the Tahsildars. As far as possible, representatives from every village and of every tarawad paying an assessment of Rs. 100 and above, graduates and other competent witnesses irrespective of their tax-paying capacity were included among those so selected and they were furnished with the questions one month previous to the date of their examination. All those who had signed the Memorial submitted to His Highness, numbering over 1,000 persons, were however excluded from the list.

14. For the purpose of enabling the witnesses to readily come forward without inconvenience, the Committee resolved to sit in 10 different centres of the State mentioned in the statement given below, and the examination of witnesses was conducted in accordance with the programme published in the Gazettes dated 2nd Vrischigam 1093, 8th Dhanu 1093 and 19th Kumbham 1093.

Centre	No. cited	No. appeared	No. examined	Joint answers	Percentage	Voluntary witnesses
Ernakulam	145	74*	60	8	47	1
Trichur	127	58	58	25	68	1
Kunnamkulam	88	21	21	...	04	1
Wadakkanchery	42	24	23	1	57	2
Pazhayannur	78	44	44	1	68	2
Cranganur	43	29	29	...	67	1
Irinjalakuda	46	25	25	8	60	2
Chalakudy	41	16	16	...	39	2
Chittur	58	24	24	...	41	18
Nemmara	29	25	24	...	68	8
Supplementary Sittings at Ernakulam	28	8	2	8	22	...
Total	665	842	326	41	55	28

*All witnesses were not examined on the day they appeared for want of time, but they did not appear on the next day as desired.

The sub-joined statement gives full particulars of the witnesses:—

Witnesses according to educational or property qualifications.

No.	Witnesses classified	Graduates			Non-graduates			Grand total		
		Interrogatories	V. V. W.		Interrogatories	V. V. W.				
			Karanavans	Anandaravans		Total	Karanavans		Anandaravans	Total
1 (a)	Government Officers in actual service drawing Rs. 100 and above	11	5	12	28	1	1	1	8	31
(b)	Do. below Rs. 100	1	2	8	6	1	27	88	61	67
2	Pensioned Officers	6	2	1	9	...	7	1	8	17
3	Vakils	11	1	21	33	...	11	7	18	51
4	Editors	...	...	...	...	1	2	2	5	5
5	Private School managers and teachers	...	1	...	1	...	1	1	2	3
6	Gentlemen following other professions	2	1	...	3	1	6	8	10	13
7 (a)	Ryots paying tax of Rs. 1,000 and above	...	...	...	...	...	12	14	26	26
(b)	Do. 500 to below 1,000	...	...	...	...	...	17	9	26	26
(c)	Do. 300 " 500	...	...	...	...	...	17	12	29	29
(d)	Do. 100 " 300	...	...	...	...	...	49	24	73	73
(e)	Do. 50 " 100	...	...	...	...	...	7	6	13	13
(f)	Do. below Rs. 50	...	...	...	...	...	18	15	33	33
(g)	Not having these particulars	1	...	...	1	35+39	2	...	37+39	33+39
8	Princes	5	...	...	5	2	...	...	2	7
9	Ladies	2	...	...	2	13	...	...	13	15
	Total	89	12	87	88	54+39	177	128	359+39	447+39

* Five Nambudries are included in this figure.

+ 39 and 2 under 7 (g) are those who joined the answers of others.

15. Though the attendance of witnesses was not compulsory and, no travelling allowance was given them, at no centre was the attendance less than 39 per cent of the number cited. The highest percentage of attendance was 83.

16. Thus all possible arrangements were made for ascertaining the views of the community; and the results show that a fair percentage of the educated and land-owning classes has responded to the invitations of the Committee. The Committee received through Government 17 representations for and 15 against the proposed legislation. They also received representations from 3 Nair societies (Yuvajena Samajam, Tripunithura, Gosree Vilasam, Tripunithurah, and Thottipal Karayogam, Thottipal), and one from a public meeting held at Nemmara in favour of the proposed legislation. 28 witnesses appeared voluntarily before the Committee and gave evidence and 6 voluntarily wrote to the Committee expressing their views. In addition to the evidence thus recorded, the Committee had the benefit of informal discussions with a few representative leading gentlemen at a conference at Ernakulam on the 5th and 6th of Karkadagam 1093.

CHAPTER I.

CLASSIFICATION OF SUBJECTS.

17. The subjects referred to in the Diwan's Proceedings and dealt with in the draft bill submitted to His Highness by the memorialists relate to marriage and dissolution, rights arising out of marriage such as maintenance, guardianship and inheritance, and tarawad and its management under which the questions of the rights and duties of karanavans and anandaravans and of partition of the properties of the tarawad arise for consideration. During the course of the discussion by the Committee it was thought desirable that the question of adoption might also be taken up for consideration along with the other questions. The subjects to be examined then are:—

- I. Marriage and dissolution;
- II. Rights arising out of marriage, namely,
 - (a) Maintenance,
 - (b) Guardianship, and
 - (c) Intestate Succession;
- III. Tarawad and its management dealing with,
 - (a) Rights and duties of karanavans and anandaravans, and
 - (b) Partition of the properties of the tarawad;
- IV. Testamentary Succession; and
- V. Adoption.

18. Before we proceed to take up the consideration of the subjects enumerated above, it is desirable to advert to the endeavour made by the Committee in defining the term "Nair" as it is necessary that the class of persons to whom the proposed Regulation is intended to reach must be made as definite as possible. The community has more or less a clear idea as to the classes of persons coming under the category "Nair". It is found on a reference to the Cochin Census Report for the year 1901 that the Nairs are divided into 18 sub-castes, 14 of which are termed high caste Nairs, and the remaining 4, low caste Nairs. The 14 high caste Nairs consist of:—

- (1) Kiriyaathil Nair, constituting the nobility, in some places known as Vellayma.
- (2) Illathu Nair, attached to Nambudiri illoms for special purposes, religious and domestic.
- (3) Swarupathil Nair, to render service to Kshatriyas,
- (4) Menoki, serving as accountants in temples,
- (5) Pattola Menon, accountants of aristocratic families,
- (6) Marars, drummers and musicians in temples,
- (7) Padamangalam Nair, to escort the processions in temples,
- (8) Pallichan Nair, palanquin-bearers of Brahmans,
- (9) Chempukotti Nair, worker in copper, chiefly in temples and Brahman houses,
- (10) Odathu Nair, tilers and thatchers of temples and Brahman houses,
- (11) Edacheri Nair, makers and sellers of dairy produce,
- (12) Vattakkadan Nair, pressers of oil, chiefly for use in temples,

(13) **Anduran Nair**, makers of earthenware for use in temples, and

14 **Asthikurissi Nair**, priests to officiate at the funeral obsequies of all sub-castes above them.

The 4 low caste Nairs are, as given in the same report (page 156):—

- (1) **Tarakar** (merchant and shop-keeper),
- (2) **Velakkathalavan** (barber),
- (3) **Veluthedan** (washerman), and
- (4) **Chalian weaver**.

19. The Nair community does not regard the above-mentioned 4 low caste Nairs as Nairs in the true sense of the expression, and objection is often taken to the use of such appellations as **Velakkathalavath Nair** and **Veluthedath Nair**, which are somewhat common in British villages adjoining the Chittur Taluk. It is noted that the Travancore Nair Regulation has defined 'Nair' by a process of enumeration, admittedly not exhaustive, of the different classes known as such. Section 2 of the Travancore Regulation (Regulation I of 1088) gives the definition as follows:—"Nair" includes Kiriya, Illam, Swarupam, Padamangalam and others known or recognised as such".

In respect of the numerous other classes not expressly named in the definition, it is a matter of proof in every case of controversy as to whether they are to be regarded as 'Nairs' for the purpose of the Regulation and, under the circumstances, the Committee thought it right not to give a definition of 'Nair'. In cases of dispute, it will be the duty of the person claiming that he belongs to the class of 'Nairs' to make out that he is within that category. But it is, however, distinctly to be understood that the draft bill does not contemplate the inclusion of the four low caste classes referred to above.

CHAPTER II.

MARRIAGE AND DISSOLUTION.

20. The term 'Sambandham' denotes the union of a Nair male and a Nair female as well as that of a non-Nair male and a Nair female as husband and wife. The word in Sanskrit means "a proper tie", "a binding or joining together" and is used throughout Cochin, Travancore and British Malabar to signify the conjugal unions among Nairs, though expressions such as "Kidakkora" and "Pudamuri" are used in certain localities to convey the same idea; but the word "Sambandham" is used throughout and clearly understood everywhere. From the evidence recorded by the Committee, it is seen that the following is more or less the custom prevailing among the Nairs in effecting sambandham unions: When a girl attains the age of marriage, the guardian, now-a-days the father, generally sets about to find a proper husband, and when he comes across a suitable bridegroom, the suitability of the match will be considered and, if the parties agree on the subject, the horoscopes of the bride and bridegroom are usually consulted and an auspicious day fixed for the ceremony in consultation with the friends and relations of both the parties. Formal invitations are then issued by both parties to their respective friends and relations. On the day fixed the friends and relations of the bridegroom meet, in his house and go in a procession, as it were, to the bride's house where they are formally welcomed by the bride's party and conducted to seats specially provided for them. They are then treated to pansupari. A portion of some Purana, generally of the Ramayana, is read at the time of arrival of the bridegroom's party, except in town parts where now-a-days music is provided for the enjoyment of the guests. When the auspicious hour arrives, the bride and bridegroom give Dakshina to Brahmans. The bridegroom is generally seated on a plank covered with white cloth and the bride is conducted to the bridegroom's presence by her mother or some other elderly lady of the house, where, in the presence of the assembled guests and before lighted lamps, the bridegroom presents cloth to the bride. In addition to the presentation of cloth, exchange of rings and garlanding each other are also gone through in several cases now-a-days, but the presentation of cloth is universal. This ceremony is followed by a grand feast to the guests. They are described in more detail in the statements of interrogatory witnesses Nos. 32 and 45; viva voce witnesses Nos. 17, 61, 213 and 271 (vide Appendix A). With local variations, this description will be found to be true throughout the State. It is also described in detail in the Malabar Marriage Commission Report, the Travancore Marumakkathayam Committee's Report and Mr. L. K. Ananthakrishna Iyer's "Tribes and Castes". From all these as well as from the evidence of almost all the witnesses, it is observed that presentation of cloth by the bridegroom to the bride is the most important, essential and almost invariable feature of the

ceremony. This is gone through even in the case of sambandham unions of non-Nair males, such as Nambudiries, Kshatriyas, etc., with Nair females.

21. A few witnesses e. g. V. V. W. 27, have stated that Thalikettu kallyanam is considered to be the real marriage among the Nairs, but they admit at the same time that this kallyanam does not bring about the relationship of husband and wife. A description of the Thalikettu kallyanam is given in the "Cochin Tribes and Castes" (Vol: II, pp. 23-29) by Mr. L. K. Ananthakrishna Iyer to which reference may usefully be made. This is a ceremony which every girl of a Nair tarawad has to go through before she attains puberty. Whatever may have been its original import, it has now become a formal caste ceremony, the non-observance of which is considered by the educated Nair community as of no consequence. There is a growing impression that the real husband should perform the "thalikettu" which literally means the tying of the tali round the neck of the girl. The ceremony has in our times lost its original grandeur and people are occasionally having the talies tied in temples by the mother of the girl. The Committee is of opinion that the thalikettu kallyanam is no marriage in the proper sense of the word, and that the true conjugal union is effected only by the presentation of cloth by the bridegroom to the bride. The Committee has accordingly adopted the latter as the only essential element required to constitute a proper marriage, and this, it is observed, is in accordance with the long practice prevailing amongst the community as testified to by most of the witnesses examined at the enquiry. The *factum* of the presentation of cloth will be presumed in the case of an otherwise proper marriage and it will be for the party who wants to avoid it to disprove it.

22. Before referring to the result of the evidence recorded at the enquiry, it may be pointed out that the question regarding the legality of what is understood among the Nair society as true marriage did not arise for adjudication by the courts of the State. In other words, whether social marriage is at the same time legal marriage has not been decided by the Cochin courts. The Madras High Court refused to accept Marumakkathayam and Aliyasanthanam marriages as legal and this led to the Malabar Marriage Commission and the passing of the Malabar Marriage Act. In Travancore, the question was not altogether free from doubt prior to the passing of the Travancore Nair Regulation (vide the report of the Marumakkathayam Committee, page 8). Not knowing what view is likely to be entertained in the matter by the Cochin courts and with a view to have all doubts removed by the passing of a law, the memorialists numbering over 1,000 and including many leading and respectable members of the Nair community headed by Mr. K. Raman Menon, B. A., B. L., B. C. L., Bar-at-Law, Chief Justice of the Travancore High Court, approached His Highness for legislative intervention.

23. It will be observed that the evidence is overwhelming that the Nair community have for long been recognising the sambandham union as a true and valid marriage and that, whether or not the law would recognise it as such, the community in general would regard it in the case of respectable people as a union of a permanent nature as husband and wife, similar in all essential respects to the unions effected by a legally recognised marriage. The quantum of evidence bearing on this point disclosed at the enquiry being the same as that relating to the desire of the community to give legislative sanction to sambandham union, it will be detailed in connection with the discussion of the latter subject. It will be enough here to say that the evidence considerably preponderates in favour of the view that the community regard the sambandham as a binding union and that they do not make any distinction so far as the question of *marriage status* is concerned between sambandham marriage and the marriage amongst other communities having already a law of their own in relation thereto.

24. It will, in the opinion of the Committee, be desirable, to go into the matter a little more fully and to advert to the circumstance that those who are opposed to any legislation on the subject base a strong argument on the fact of the Nair community having already a marriage which should be recognised as legal.

25. In his Memorandum, Mr. Chandu Menon, a member of the Malabar Marriage Commission, whom the Hon'ble Mr. Justice Muthuswamy Iyer referred to as "a highly educated and representative Malayalee whose opinion may be taken as reflecting the sentiments of a pretty large section of the educated classes" dwells at length on the question as to whether the Nairs have already a marriage system and states his reasons for holding that the decisions of courts negating such a marriage require reconsideration. "As to whether our present marriage system" says Mr. Chandu Menon, "deserves to be recognised by law as a valid and binding system, I think there cannot be two opinions. I ask that when the courts find that the allegations of the existence of promiscuous intercourse and laxity of morals and want of marriage system, etc., in Malabar are all absurdly unfounded, that when they find that the community of Nairs and Tiyars, that is to say, the respectable and a very large majority of it, observes the marriage law as strictly as any other nation in

the world, when the courts find these facts to be true, would not they hold according to good conscience and equity, that we are entitled to the protection of the civil and penal laws, which protect other Hindu subjects of Her Majesty the Queen Empress in the enjoyment of their matrimonial rights? ". The learned member, after referring to the remarks of Sir James Fitz Stephen that "native laws should not be changed by direct legislation except in extreme cases though they may and ought to be moulded by the courts of justice so as to suit the changing circumstances of society" proceeds to observe :—"Taking this principle as their guide, it will be enough if the courts will carefully enquire into the present state of things and ascertain whether we have a marriage system or not. As stated elsewhere, I admit that there may be Nair women who are professional prostitutes. But the existence of such men and women do not at all prove that we have no marriage system. The English, the French and the other civilised nations, who have elaborate marriage laws, have among them, many men and women addicted to immorality and whose practices, were it not for the laws against bigamy, would have been termed *polygamy* or *polyandry*; but this does not in any way weaken the marriage law in Europe. What the respectable portion of a community accepts and observes as their custom should be treated as the custom of that community, and is any one who desires a change in the marriage system prepared to say that the Nairs have no marriage? Even the great mass of evidence taken before us supports the view, that Nairs have a system of marriage recognised by custom. I do not think that it is necessary to change our Marumakkathayam law of succession in order to have our marriages legally recognised". (M. M. C. R. pages 9 and 10).

26. The Hon'ble Mr. Justice Muthuswamy Iyer, the learned President of the Malabar Marriage Commission, also recognises the existence of social marriages amongst the Nair community but feels doubt as to whether it would constitute a marriage in the eye of law. He says :—"I have considered the question whether the courts are likely to recognise the existing social marriages as legal marriages and it is very doubtful that they will do so. It is no doubt true that there is a customary marriage and that a contract may be inferred from its incidents. But having regard to the fact that in theory either party may arbitrarily repudiate it at will, the obligation created by it is one which either party may ignore at his or her pleasure and there is no uniform formality which may be accepted as a customary regulation fixing its duration throughout Malabar. It is a contract of which the breach, though checked in some measure by public opinion, is neither invariably nor effectually restrained by a definite rule. Such a contract is a contradiction in terms and is not likely to be accepted as a binding tie until and unless the practice of divorce is regulated in some mode, so that the obligation may invariably be taken to subsist until the regulation is complied with" (Ibid, page 10).

27. Coming to our own times and to the views of gentlemen still in our midst, we would invite a reference to the opinions of Prince Ravi Varmah (I. W. 92) of the Cochin Ruling Family, than whom no stouter champion and admirer, if we may respectfully say so, of the old order of things can be found, and whose opposition to legislation cannot be expressed in stronger language. Endorsing every word contained in the remarks of Mr. Paruvakkattil Narayana Menon (Secretary to the Board of Revenue) on the Malabar Marriage and Partition Bill of 1913 to the effect that "the whole bill is, in my opinion, conceived in a foreign spirit by men who want to ape foreign manners and are aggrieved at the irrational taunts of foreigners. I cannot admit that our system is more immoral than any other system.....I consider that on the whole our system, judged by the laws of nature or race preservation, is more moral than any other system in the world", the Prince observes that he fails to see how a legal recognition of Sambandham can promote the moral welfare of the community. According to the Prince, "the institution of marriage exists in its simplest, purest and noblest form in Malabar. It is bound by no artificial ties. It has its roots in affection and its permanence depends upon mutual good behaviour". Again "why we should change this simple system and allow ourselves to be fettered by all sorts of artificial ties is a thing altogether beyond my comprehension. It is surely not progression but retrogression".

The Hon'ble Mr. Kavalappara Moopil Nair says that "whatever may have been the condition of the society in the beginning, a new spirit has now pervaded it that the Sambandham is no longer considered the loose tie dissoluble at will, that there is as much sanctity attached to it as to any religious form of marriage and that, especially among the enlightened classes, it is synonymous with marriage and that by custom there is as much legality vested in it as in the so-called marriages".

28. We do not think that we need elaborate on this matter any further, and would now deal with the vexed question of invoking the aid of the legislature to recognise the sambandham union as a legal marriage. The evidence recorded by the Committee clearly shows that the community is desirous of securing legal recognition of sambandham unions. Out of 339 *viva voce* and 83 interrogatory witnesses who have expressed their views on this question, 312 and 69 respectively are for such

Whether legislation should be resorted to for recognising the sambandham as a legal marriage.

recognition, while only a very small minority, viz., 27 and 14 respectively, is against it. Out of 15 ladies who responded to our invitation for an expression of their views, only one is against the legalisation of marriage. The following statement will give particulars of the witnesses who are desirous of a marriage law. It will be seen therefrom that a very large majority of leading and educated gentlemen who had an opportunity of voicing their views has advocated for a legal recognition of the sambandham union.

No.	Witnesses classified	Graduates				Non-graduates				Grand total
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total	
			Karanavans	Anandavans			Karanavans	Anandavans		
1 (a)	Government officers in actual service drawing Rs. 100 and above ...	9	6	11	26	1	1	1	3	29
(b)	Do. below Rs. 100 ...	1	2	3	6	1	28	31	60	66
2	Pensioners ...	4	2	1	7	...	7	1	8	15
3	Vakils ...	11	1	22	34	...	11	6	17	51
4	Editors ...	...	...	...	...	1	2	2	5	5
5	Private school managers and teachers ...	...	1	...	1	...	1	1	2	8
6	Gentlemen following other professions ...	2	...	...	2	1	4	3	8	10
7 (a)	Ryots paying tax of Rs. 1,000 and above ...	...	...	...	...	...	9	11	20	20
(b)	Do. 500 to below 1,000 ...	...	...	...	...	...	9	8	17	17
(c)	Do. 300 " 500 ...	...	...	...	...	...	16	10	26	26
(d)	Do. 100 " 300 ...	...	...	...	...	...	37	22	59	59
(e)	Do. 50 " 100 ...	...	...	...	...	...	5	6	11	11
(f)	Do. below Rs. 50 ...	...	...	...	...	...	16	11	27	27
(g)	Without the above particulars ...	...	...	...	...	27	...	...	27	27
8	Princes ...	1	...	...	1	3	...	...	3	4
9	Ladies ...	1	...	...	1	10	...	...	10	11
	Total ...	29	12	37	78	44	146	113	303	381

29. Both the advocates and opponents of legislation take their stand on a common ground for advancing their respective positions. Having taken for granted the present existence of a marriage system recognised by the community as valid, the advocates of legislation strenuously contend for its legal recognition on the ground that there is no knowing for certain that the courts of law would recognise the sambandham marriage as valid and binding for legal purposes and that it is not only expedient but necessary that all such doubts should be removed by positive enactment, and that the incidents of a valid marriage should follow sambandham. The opponents would urge, as Mr. Chandu Menon observed in his memorandum, that there is no ground for apprehension that the courts, if they would carefully examine the whole matter and allow opportunity for placing the true facts before them, would arrive at a decision not in conformity with the well-understood ideas of the Nair community. The advocates of legislation would further say that, if the marriage did not receive legislative sanction, certain rights which the community wish to have on account of the married status could not be enforced in a court of law and the legislature has to intervene for that purpose. We refer to such rights as maintenance and guardianship and the devolution of the properties of the husband or father as the case may be. The opponents of legislation without examining the question fully and attempting to give a satisfactory solution would say that no change in the marumakkathayam succession is necessary. Mr. Chandu Menon, as already observed, stated as his view that it is not necessary to change the Marumakkathayam Law of Succession in order to have our marriages legally recognised. If it is recognised that the wife and children must, according to justice, equity and good conscience, have a claim on the property of the husband or father over which he has an absolute power of disposal, how can it be legally enforced without the aid of legislation? Under the existing customary law, they have no right to share in such property and without an alteration of the same, courts will be powerless.

30. Prince Ravi Varma whose view that "the institution of marriage exists in its simplest, purest and noblest form in Malabar" has already been referred to, attempts a solution in the following manner:—

"Another argument urged for the legalisation of sambandham is that it enables a man's wife and children to claim their legitimate dues and thus prevents them from being left uncared for and destitute at his death. This argument has a false ring of truth about it. It is the best calculated to appeal to the imagination of a foreigner, not conversant with the intricacies of the matriarchal system. But nothing can be further from the truth. Rao Sahib K. P. Govinda Menon (Deputy Collector) stated the simple fact when he said:—"As a matter of fact, every wife and every child belong to some tarawad which is bound to main-

tain them according to its means and it is impossible for any spendthrift or drunkard of a husband or father to drive his wife and children out of doors to starve in the streets, because they have always the sheet-anchor of a tarawad to fall back upon. This is the beauty of a tarawad system. A State whose subjects are thus insured against starvation deserves to be congratulated". It is precisely this tarawad system that some of the educated iconoclasts in Cochin want to demolish. There is not the slightest doubt that this insistence on the legalisation of marriage and the right of partition has for its ultimate object the shattering of the tarawad system. They forget that it is to this system that we owe our special characteristics, our independence, our self-respect, our clean habits, our hospitable nature and our high standard of life and manners. Are we to lose all these? I must say in the words of Tottenham 'the result of the break-up of tarawads would be to substitute coolies for gentlemen'. The 'beauty of the tarawad system' is undoubtedly an exquisite phrase. The Prince forgets that sentiment is no argument, strong words neither. The Prince seems to be inclined to attribute to this system the economic, hygienic, social, moral and political condition of the Malayalees a veritable panacea for all the ills that society is heir to. There is no magic in words and one has to face stern facts. The tarawad system might have served its purpose well in by-gone days, but how is it now?

31. "An archaic system of management", says that old, experienced and learned Judge, the President of the Malabar Marriage Commission, the Hon'ble Mr. Muthuswamy Iyer, "founded on the notion that the maternal uncle will adequately protect the interests of his nephews and nieces, even when they are several degrees removed from him and that he will not yield to the temptation of neglecting them for those of his own children is no doubt contrary to human nature and cannot but be open to several serious objections". (para 24).

Another eminent lawyer of considerable experience in Malabar and Cochin (Mr. T. A. Kallyanakrishna Iyer, High Court Vakil) thus observes on the point:—"During my pretty long career at the bar, I have had professionally to deal with the affairs of almost all the important marumakkathayam families in British Malabar and Cochin and I speak with some sense of responsibility when I say that the marumakkathayam system of property has become an impracticable thing".

32. Provisions of a somewhat stringent nature, curtailing the rights and powers of karanavans which we have embodied in the draft Regulation appended to this report, are due to the exercise of powers by the karanavans in a capricious manner, resulting in the waste and destruction of the properties of the tarawad. The views of distinguished men quoted by us in that connection may be usefully referred to here. We had to hear a large number of witnesses expatiate on a course of career pursued by the karanavan highly prejudicial to the interests of the tarawad. Without property, there may no doubt be a tarawad, but it can only be a tarawad in name. What the fate of wife and children driven to such property-less tarawads will be, we leave our readers to judge for themselves.

33. It will, in our opinion, be evident to all persons who approach the consideration of the subject with a calm unbiased mind that the legalisation of the existing marriage by the legislature is essential for the removal of whatever doubts there may be in regard to its validity and for securing to the wife and children their due share of the properties of the husband or the father. Not only is there no evil in such a legislation, the Committee sees positive good resulting from such a legalisation. At present, marital offences are not punishable under the Penal Code. There is also in the eyes of the public a stigma attached to sambandham unions which tends to wound the susceptibilities of the community.

34. Before we close this part of the subject, we would invite a reference to the opinions of some of the most prominent witnesses who advocate legislation.

His Highness the 1st Prince (I. W. 15), says "the moral and material welfare of the community do require that Sambandham should be given legal recognition".

His Highness the 13th Prince, B. A. (I. W. 16), says "On moral grounds it is high time that the Sambandham should be made valid in the eye of law, for, owing to the want of such validity, the issues out of the Sambandham are not regarded as legitimate children. In that case it is highly necessary that the Sambandham should be given the status of a legal marriage. On material grounds also it is highly necessary, for hard cases, though rare, do occur where a bereaved wife and children are left unprovided for, even though the deceased husband and father leaves behind a large amount of self-acquired property which fully devolves upon his tarawad. In the true interests of the society, it is high time that such a state of things should be put a stop to".

Mr. T. A. Kallyanakrishna Iyer (I. W. 25), a leading High Court Vakil of 30 years standing, says "In cases of legislation regarding social matters, the fundamental principle to be kept in view is no doubt the moral and material welfare of the community. Tested by this standard, one should hesitate to give a negative answer to this question. The question however is not free from difficulty. Yet taking all the circumstances into consid-

deration and having regard to the fact that the progress of societies has been towards the attainment of marital relationship legally recognised by the State, I am of opinion that legal recognition ought to be accorded to Sambandham”.

35. We shall now consider the objections raised against the legalisation of marriage. Out of 422 witnesses who answered the interrogatories, only 41 are against the proposal, of whom one is a lady witness. The objections raised are :—(1) that the present sambandham union is recognised by the society as valid, and that it is an ideal institution and is working smoothly and without causing any hardship; (2) if legislation is introduced, there will be difficulty to get husbands; and (3) higher caste men will not come in for Sambandham.

36. The prominent among those who raise the first objection are the 11th Prince of Cochin referred to above and the Hon'ble the Kavalappara Moopil Nair.

The mass of evidence collected by us and the opinions of gentlemen like Raja Manavedan Raja and Raja Vasudeva Raja show that sambandham union is considered by the community as valid and that it is fit for legal recognition.

37. As Mr. K. Govinda Marar, High Court Vakil (I. W. 22), says “the moral and material welfare of the community does require that Sambandham should be given legal recognition. That was the decision of the Malabar Marriage Commission. That was the decision of the Travancore Marriage Commission also. Is it not really disgraceful to be told that a particular class of people—and that an influential and educated class—are living in a state of concubinage when as a matter of fact it is not so? At present, when children resort to courts to get maintenance, they have to apply for the same under the Code of Criminal Procedure which provides for the maintenance of illegitimate children. Are all the members of the different royal families including the ruling Chiefs of Malabar to be classed as illegitimate children? And now how can this state of things be remedied except by legislation that sambandham marriages are valid marriages”.

38. Raja Vasudeva Raja, C. I. E., Valia Nambidi of Kollengode, says (page 208 of G. O. No. 504 dated 31st March 1915): “The matrimonial customs of the marumakkathayam community may appear strange to outsiders, but there is no reason why these customs should not be recognised in law. The sentiments of the community have been naturally wounded by the law that denies the existence of marriage. The proposals for marriage reform involving the legal recognition of Sambandham as valid marriage are in accordance with the customs and sentiments of the community”.

39. Raja Manavedan Raja says “there are those who consider that the marriage custom or rather the non-marriage custom of Malabar ought not to be interfered with. On the one hand the Brahmans and those who worship Brahmans look upon the existing custom as divinely ordained by an incarnation of Vishnu for the special benefit of the Brahmans. On the other hand, there are educated people including even Europeans who think (at any rate, they say so) that the liberty allowed to both sexes in Malabar is a state of supreme felicity which even civilised nations are striving after. It is hardly necessary to discuss the arguments of either of the parties. The first is ridiculous; the second I believe is not sincere or serious. I believe that marriage should be recognised by law and enforced as such not so much to remove the sentimental stigma that Malayalees have no valid marriages as to give the rising generations the indirect benefits incidental to a valid marriage.”

40. In the face of all this, Prince Ravi Varmah refers to the unpopularity of the Malabar Marriage Act and says that the people in British Malabar are against legislation and that the people in Cochin also will be equally against the proposed measure.

41. The unpopularity of the Malabar Marriage Act is no evidence of the unwillingness of the people to have a marriage law. With regard to this, Mr. K. Imbichunni Nair, Retired Subordinate Judge, says (page 53, G. O. No. 504) “the aforesaid Act applies only to those who care to follow the provisions thereof in respect of their marriages. Suppose a marumakkathayam mother has a son and two daughters and that the former marries according to provisions of Act IV of 1896 and the latter get husbands only of the old school. What will be the result? The son's wife becomes a real wife in the eye of the law. His sisters are mere concubines. This is by no means an honour to a marumakkathayam Malayalee. Against his own inclinations he will therefore prefer to stick to the old rule. Hon'ble Mr. Raman Menon's Bill however removes this undesirable state of things; for his Bill makes all sexual unions called Pudamuries and Sambandhams real marriages. The Malayalees as a whole should in my opinion therefore welcome this Bill”.

42. The second objection is as regards the difficulty to secure husbands, if Sambandham is legalised. Some of the witnesses who raise this objection admit that this difficulty already exists (V. W. No. 194). This is not peculiar to Nairs alone. Large sums have to be paid by Brahmans and other caste people to secure husbands for their girls. We do not believe that this is due to the existence of a marriage law among them but are

rather inclined to think that it is the result of other causes. We fail to see how the legalisation of Sambandham among the Nairs will augment this difficulty.

43. The last objection raised is that high caste men will refuse to form alliance with Nair ladies, and ladies in families which according to custom can accept only high caste men as husbands, such as Brahmans and Kshatriyas, will have to remain unmarried.

V. V. W. Nos. 125 and 276 (Payyazhi Kunjunni Moopil Nair and Pallath Madathil Raman Kartha), members of respectable aristocratic families where, according to custom, Brahmans alone are allowed to marry, say that they do not apprehend any such difficulty, and V. V. W. Nos. 115, 230 and 250 (Chengazhinellur Parameswaran Namburi, Chozhiath Illath Madhavan Namburi and Chittur Narayanan Namburipad) who have married in Nair families say that the unions of Namburies with Nair females should be considered valid.

The other high caste witnesses examined before the Committee have also not raised any contention that legalisation of Sambandham would throw difficulties in their way of forming alliance with Nair females and we think that the difficulty is more imaginary than real.

44. In connection with the Bill introduced into the Madras Legislative Council by Mr. K. P. Baman Menon, Mr. Innes, the then Collector of Malabar, states as follows in his letter to the Government: "It is the Brahmans by the way who are most bitterly opposed to the Bill. By the customs of the caste, only the eldest son of a Namburi is allowed to contract a regular marriage with a Namburi woman. The others are restricted to Sambandhams with the ladies of Kovilagams and with Nair women generally. It is obviously right and proper that such Sambandhams should come within the purview of the Act. I do not think that there is the slightest fear that the result will be the discontinuance of marriages between the younger sons of Namburi families and Nair ladies of high degree".

45. The Madras Government, in their recommendation to the Government of India for the legalisation of marriages in Malabar, observes "It appears to Government that the case may be briefly stated as follows:—The classes governed by the marumakkathayam law form sexual connections which are at the time of commencing them intended to be permanent until the death of either of the parties and which in a majority of cases are so; these connections are publicly formed and are socially recognised and are accompanied by ceremonies of a characteristic kind which have nothing in them of a religious element but which otherwise are as much marriage ceremonies and entitled to the same respect as marriage ceremonies elsewhere". The Government of India in their reply observed that "they entirely agree with the Government of Madras that legislation should be resorted to in order to give such (i. e. legal) effect to what is already recognised as a marriage in society among the classes concerned".

The observations of the Madras Government fully apply to the Nairs of Cochin also. Law should recognise as marriage what society recognises as such.

46. For the reasons set forth above, we are of opinion that the sambandham union which has all the formality, solemnity, and publicity necessary to be recognised as a valid marriage, is fit to be given legal recognition, and that by doing so the State will be only legalising the existing custom.

47. Nair females are married to Nair males as well as to non-Nair males, such as Kshatriyas and Brahmans (Nambudiries and Pattars). There are several graded sub-divisions of castes amongst the Nairs themselves and, with regard to them, the general rule observed was for the females to marry only in the same or higher sub-castes which is known as Anuloma unions but not in lower sub-castes which is known as Pratiloma unions. Whatever may be the genesis of this rule, it has begun to be not only relaxed but ignored in several cases. The difficulty of getting husbands of the requisite standard of decency and education is no doubt the prime cause of this phenomenon. Out of 382 witnesses who have answered the question of the Committee on the subject, 221 witnesses say that the union of a Nair female with a Nair of any sub-division of the same caste is common and that it is recognised by the society as valid, while 161 witnesses say that such unions are not considered valid in the sense in which society has understood them. But even several of these admit that such unions are on the increase, that there is no social odium attached to them and that the issues of such unions do not forfeit their rights in the tarawad. It is not in the opinion of the Committee desirable to put any restrictions upon the fusion of sub-castes. For these reasons the Committee would propose that such marriages may be considered valid for all legal purposes.

48. Next as to the marriage of Nair females with higher caste males.

Out of 382 witnesses who have answered the question, 358 witnesses say that the

union of higher caste males with Nair females is common. They are also in favour of continuing such unions and treating them as valid. The respectable Nambudiri witnesses examined (Nos. 115, 161, 230, 250, 352 and 353) also want the practice to be continued. Some of the Sthanees and respectable Nairs marry their ladies only to Brahmans and Kshatriyas.

Only 24 witnesses say that such unions are not considered valid, but they have not given any reason for their assertion, which is clearly against fact, as is evidenced by the large volume of opinion on the point. Prince Ravi Varma (I. W. 92) who is the strongest opponent of legislation says "the Sambandham of a Nair female with a member of a higher caste is not only recognised as valid, but in several cases it is even courted".

A petition signed by 168 non-Nairs from Tripunithurah was submitted to the Diwan praying for their exclusion from the operation of this Regulation. A resolution purporting to be passed at a meeting of 500 Nambudiries of the Sukapuram Gramom and another from the Nambudiri Yogakshema Sabha protesting against the proposed measure were also forwarded to the Committee from the Diwan's office. The Committee specially invited the representatives of these Sabhas and few of the petitioners from Tripunithurah to appear before them and give evidence. Two Nambudiri gentlemen from Tripunithurah alone appeared and gave evidence. Both deposed that legalisation of Sambandham was necessary.

49. With a view to ascertain the real sentiments of the Nambudiri class, the Committee invited in all 45 representative Nambudiri gentlemen, of whom only 7 appeared and gave evidence and three sent in their written answers. Of these, 5 and 2 respectively are in favour of the proposed measure. Of the three remaining, one has no reason to give against it but sentiment, and another wants makkathayam to be introduced among the Nairs. The third gentleman has given no reason. The silence of a large majority implies, if it implies anything at all, their indifference on the subject of a legislative enactment affecting the Nairs. The legislation will not apply to higher caste men as a whole, but will apply only to such of them as choose to marry Nair females. In view of the foregoing considerations, the marriage of a higher caste non-Nair should also be considered valid for legal purposes.

50. Having fully considered the question of the necessity for legislative recognition of the customary Sambandham marriage, we pass on to certain matters of subordinate importance connected with the marriage itself. The question as to whether the marriage is to be brought about by any observance of a ceremonial nature engaged the anxious consideration of the Committee, and it will be seen from the large mass of evidence recorded at the enquiry that the presentation of cloth by the bridegroom to the bride is the most important and essential feature of the ceremony, though some witnesses speak to the exchange of rings and the garlanding of each other as also coming into vogue in some places in addition to the presentation of cloth. As it is desirable to have one uniform observance throughout the State, we would suggest that the presentation of cloth by the bridegroom to the bride in the presence of friends, relatives and the assembled guests may be recognised as the only essential outward form of lawful marriage among the community, whether the bridegroom be a Nair or non-Nair.

51. The question of the age of the parties in effecting a valid marriage did not arise for consideration during the early stages of the Committee's sittings. The memorialists have suggested recognition of all marriages irrespective of age and have provided for the consent of guardians in the case of minors. Though under the existing law, both sexes attain majority on completion of 18 years, the memorialists suggest that 16 years may be fixed as the age of majority in the case of females for matrimonial purposes. Two of our colleagues, Messrs. K. P. Padmanabha Menon and T. K. Krishna Menon, hold the opinion that the age limit should be fixed at 18 in the case of females and 25 in the case of males. Instances of early marriage among the Nairs are very rare, if not practically nil, and there is no social evil to be remedied by legislation on the point at present. The Committee cannot therefore find their way to recommend the suggestions of their learned colleagues being adopted.

52. The next subject to be considered is whether some public record of marriage is to be maintained for the purpose of serving as evidence of marriage when any dispute arises in regard to its solemnisation. The majority of the witnesses are opposed to the proposal to have a public record on the ground that it is publicly solemnised. The argument of those who say that a public record is necessary is that the *jactum* of marriage should be placed beyond dispute. There is no doubt some force in this argument, but there are others who say that the marriage can in case of dispute be proved like any other fact even without a document. Mr. P. Narayana Menon, Puisne Judge of the Cochin Chief Court (I. W. 27), says "To insist upon making some public record of a reliable and useful nature would be introducing

a strange feature into the habits of the community and I do not think that such an element will be liked by the large majority of its members. The necessity for registration of the marriages under the Malabar Marriage Act had, I think, some share in its unpopularity. Such a public record is necessary only for the evidence of the fact of Sambandham. But such a fact if questioned.....which I think will only rarely take place..... can be proved like many other facts which depend for their proof upon evidence other than that afforded by a formal document or a public record. Notably among the other Hindus and the Mahomedans there is no record of the fact of the marriage and yet it cannot be said that the fact of marriages is wantonly denied or is experienced to be difficult of proof when questioned by the members of those communities. Apart from the publicity secured at the time of the sambandham ceremony itself, there are so many other incidents connected with it, both anterior and subsequent to the ceremony which will afford very reliable kinds of proof of the fact of any disputed Sambandham."

53. The Committee are divided in their opinions on this subject, Mr. K. P. Padmanabha Menon advocating strongly the necessity of having a public record of marriages effected after the proposed law comes into force. He says:—

"What is suggested is that there should be maintained a public record of marriages somewhat like the record of births and deaths now maintained under Regulation II of 1081, the Registrar filing the certificate of marriage presented by the parties in his office. I would by virtue of the retrospective effect of section 3 of the Bill proposed by the Committee hold all marriages legal and in the case of future marriages make the filing of marriage certificates compulsory and attach a penalty for failure to do so."

"The two primary objects to be secured by formalities in marriage" observes Dr. Bannerjee, in his Tagore Law Lectures in 'the Hindu Law of Marriage and Streedhana, page 104, first edition, "are the prevention of hasty and inconsiderate marriages and the removal of doubts as to the nature of the relation that is created. In order to secure the former object in the absence of more rational modes, long established ceremonious forms cannot well be dispensed with. As has been well observed, "ceremonies which strike the imagination serve to impress upon the mind the force and dignity of the contract"; while their observance secures publicity to some extent, and affords some time for deliberation. As for the latter object, as was observed by Lord Brougham in *Warrender v. Warrender*, "the laws of each nation lay down the forms and solemnities a compliance with which shall be deemed the only criterion of the intention to enter into the contract". Hindu Law has its prescribed forms, and if we hold the observance of these to be optional, it would lead to loose forms of marriage, utterly subversive of morality and there would be the greatest difficulty in distinguishing between concubinage and marriage".

The very simple form of presentation of cloth now prescribed and the various forms in which Sambandham has been hitherto effected sometimes almost secretly and even if publicly with no religious solemnities accompanying can scarcely strike the imagination or serve to impress upon the mind the force and dignity of the contract. We have therefore to try and find out "the more rational modes" hinted at by Dr. Bannerjee. This points to the desirability, if not to say, the necessity to having a public record of marriages. It will be absurd that in the case of Hindus there are ceremonies which strike the imagination and serve to impress on the mind the force and dignity of the contract. What I contend is that in the absence of such ceremonies among the Nairs it will be well to have a certificate prepared at the time of marriage and forwarded to the Registrar. The formal preparation of such a certificate and the signing of it by the parties and witnesses publicly will indeed add to the solemnity of the occasion.

Looking to the difficulty of proving the factum of marriage long after the event with the possibility of the eye-witnesses being removed by death or otherwise and the question of marriage or no marriage arising in distant countries in the case of interstate marriages, I would make registration as suggested by me in sections 4 and 5 of my draft bill compulsory. It will be seen that in such cases proof of consent of guardians specially will be still more difficult matter.

I would refer also to the weighty remarks of Mr. Frederic Harrison quoted by I. W. No. 92, His Highness Prince Ravi Varma".

Mr. T. K. Krishna Menon is for formulating certain provisions for securing public record of marriages, but he does not go to the extent of making registration compulsory.

54. The Travancore Nair Regulation does not provide for any record being kept for marriages and, so far as we are aware, no dispute in this matter has arisen for decision by a court of law. The said Regulation has been working in Travancore for the last 6 years and none of the Travancore witnesses says that any difficulty is felt for want of a record to evidence marriages. The volume of opinion in Malabar also appears to be against any such record as is seen from the opinions expressed in connection with the Bill introduced by Mr. K. P. Raman Menon. It is desirable that the proposed law in the State should, if possible, be on the lines of the law of Travancore, so that no practical difficulty is met with

in the mutual application of the laws of the two States when an understanding is, some day or other, arrived at by them. The memorialists do not ask for any public record. And out of a total of 398 witnesses questioned on the subject, only 150 are for it, while 248 are against it.

55. The proposal of the Committee being only to legalise the prevailing customary union, it is not desirable to insist upon any public record being kept and to introduce a new feature into it calculated to offend the sentiments of the community.

56. It is superfluous to enter into the question whether polyandry existed in Cochin at any time. One and all the witnesses examined by the Committee excepting the 12th Prince positively assert that polyandry does not now exist anywhere in Cochin and all of them say that such connection should not be allowed. It may therefore be expressly declared illegal. The Prince (I. W. 92) however says that polyandry does exist in Cochin but he is of opinion that it should receive no sort of recognition.

57. Out of 393 witnesses who have answered this question, 239 are against polygamy, whereas 154 are for continuing the practice. The reasons given by the advocates of polygamy are (1) that the practice is recognised in Hindu and Mahomedan Law (2) that, in the case of wives suffering from infectious or incurable disease or if they are barren, males should be allowed to have another wife and (3) that it will affect the existing unions.

58. Though Hindu Law allows polygamy, Nairs are not followers of that law, nor is polygamy prevalent amongst them to any appreciable extent. So far as Nairs are concerned, there will not be any difficulty if it is strictly prohibited. Even most of the witnesses who say that it will affect the existing unions are in favour of abolishing the practice if the existing unions are not affected by the proposed measure. The argument that the Nairs if bound to observe monogamy will be put to inconvenience in the matter of having issues in case the wife is barren or is suffering from infectious or incurable disease has no force as the Nairs do not require issues to perform their funeral ceremonies as in the case of the Brahmans and other Hindus. Even if a Nair wishes to have a second wife or issues the best thing for him to do is to divorce his first wife and marry another. Another difficulty brought to the notice of the Committee is that high caste men who follow the Hindu Law are not prohibited from having two or more wives, and there are families the ladies of which can consort only with such men. There are only 52 Nair families of that sort in the State out of a total of 13 thousand and odd. According to the custom among the Namburies, only the eldest male member of a family marries a caste wife. The others are obliged for reasons of their own to have wives from other castes such as Nairs, Ambalavasis, and Kshatriyas. The ladies of these Nair families can very well accept the junior Namburi gentlemen who do not marry in their own caste. The hardship pointed out cannot therefore have any real significance. As polygamy is morally and economically bad and as it is very rare among the Nairs, we have no hesitation to recommend its prohibition. An exception has of course to be made in the case of existing unions, if any.

59. The President would, speaking for himself, say that he is not altogether free from doubt as to the expediency of prohibiting polygamous unions in the present state of the society. While, on principle, he considers the prohibition necessary, having regard to the fact that this is the first attempt at social legislation and that such unions are rare, he would not, in order to meet exceptional cases, recommend legislation as proposed by his learned colleagues. The law on this subject should, in the opinion of the President, be the same as that in force in the adjoining State of Travancore and in British Malabar.

60. One of the questions in the interrogatories framed by the Committee is "Is Sambandham customary between the Nairs in Cochin and those living in British Malabar and Travancore", and the answers the Committee have received are unanimous, namely, that such unions exist. It is in the Chittur Taluk mainly that we come across numerous instances as it is bounded by British Malabar on all sides. The question as to the enforcement of all the legal rights resulting from the union of a British or Travancore Nair received the anxious and careful consideration of the Committee and some of the witnesses examined at the enquiry pressed for a satisfactory settlement in cases of such unions.

61. The Malabar Marriage Commission while conducting its enquiry did not omit to consider the effect of legislation then in contemplation upon Travancore and Cochin and this is what the Commissioners say on the subject:—

"As to the effect of the proposed legislation upon the neighbouring States of Travancore and Cochin, we shall content ourselves with saying that we do not see how any permissive marriage-law which may be in force in Malabar can work to their prejudice.

There seems to us to be no good ground on which the proximity of Travancore and Cochin can be urged as an objection to the proposed legislation".

62. In the opinion of the Committee, the objection is a real and serious one and is not capable of being solved in the manner pointed out by the Malabar Marriage Commission. It is no consolation for the Nairs of Cochin to be told that the Nair females of Cochin need not effect Sambandham unions with the Nairs of British Malabar or Travancore. Numerous unions of such a nature have already been effected and will be effected in future in spite of any legislation. So long as the Nair husband or father possesses properties within the Cochin State, the rights conferred by law can be enjoyed by having recourse to such properties. The difficulty will arise when he is not possessed of any properties within the Cochin State.

63. The only satisfactory solution of the difficulty pointed out above lies in a similar legislation being brought into force in British Malabar and both the States of Cochin and Travancore, as well as British Malabar coming to a mutual understanding in regard to the binding nature of the law of one State on persons residing in another so far as the one particular provision under reference is concerned. There is already a legislative measure in Travancore, and it is hoped that, with the passing of the Nair Regulation in Cochin, attempts will be made to enact a law in British Malabar as early as possible. When a similar law has come into force in all the three places, it will be easy to come to a mutual agreement of the kind referred to above.

64. We would now summarise the results of our discussions on the main head of Marriage:—
Summary of results.

(1) Sambandham union is fit for legal recognition and such recognition should receive the sanction of the legislature.

(2) The presentation of cloth by the bridegroom to the bride may be considered as the sole form of entering into lawful wedlock.

(3) A system of registration of Sambandham is not expedient.

(4) The Sambandham of Nair females with Nair males of any sub-division or with males of higher castes according to recognised custom may be considered legal.

(5) Polyandry is to be altogether prohibited.

(6) Polygamy is to be declared illegal after the new law comes into force.

DISSOLUTION OF MARRIAGE.

65. Were the Committee to form a conclusion on this important subject on the results of the evidence recorded at the enquiry, their way is clear, for the sense of the community in general is in favour of free dissolution of the marriage union. In view of the difference of opinion entertained by gentlemen entitled to consideration, it appears desirable to examine the matter in some detail.

Whether dissolution should be free or for specific reasons.

66. The question of divorce engaged the serious consideration both of the members of the Malabar Marriage Commission and of the Travancore Marumakkathayam Committee as the reports published by these bodies would show. The learned President of the Malabar Marriage Commission has dealt with the question minutely in his special memorandum (pages 13, 14, 15, 16, and 17) and observes at the very outset of his discussion, "Any system of divorce that is introduced must satisfy two conditions, viz., (1) that it must be suitable to the present state of conjugal relation in Malabar, and (2) that it must at the same time adequately ensure the stability of the matrimonial union". After going into the history of the civil law and examining the various arguments for and against a free divorce, he was inclined in favour of free divorce subject to two restrictions suggested by him for preventing the abuse of such a right. He observes "After carefully considering the matter it seems to me that the alternative suggested is likely to render legislation unpopular and inexpedient, one of the conditions subject to which legislation is desired, being that the Divorce Act and the provisions of other cognate enactments should not be extended to Malabar. If any alternative scheme is deemed indispensable, it appears to me desirable, at all events for several years to come and until the institution of marriage is nationalised, to follow the Civil Law and to declare as just grounds of divorce the causes specified in the Indian Divorce Act and in other cognate enactments as just causes either for dissolution of marriage or for judicial separation". Such causes are, as enumerated by him, adultery, cruelty, desertion for two years, change of religion, impotence, sexual incapacity, permanent and infectious disease, unsoundness of mind or any other cause which renders the mutual discharge of matrimonial duties incompatible with due regard to personal safety. The majority of the Commissioners in discussing this matter observes:—

"The next objection against the bill is as regards its provisions relating to divorce. Here no doubt, lies the chief difficulty in the way of meeting the wishes of the many intelligent Nairs and Tiyars who are agitating for a marriage law.

"Most of them adopted the arguments which led some great modern thinkers to advocate divorce by mutual consent."

"If marriage be a civil contract, why should not that contract be dissolved and a fresh one entered into at the will of the parties? Why (they argue) should the iron rivets of law bind together a man and woman who have learnt to detest each other?"

"Our President thinks that argument unanswerable and he accordingly sketches two schemes of divorce" (page 42).

67. While not attempting to controvert the arguments for free divorce, all that the majority report states is that "if the Government thinks that either of them may be taken into consideration as a basis of legislation, we will not say a word against it; what we would most earnestly dispute is that legislation is inexpedient unless one or other of these schemes is adopted. If Government is unable to give its sanction to a law drawn on the lines sketched by the President, the educated Malayali will still beg for the legalisation of marriage, with whatever restrictions on divorce the Government may deem indispensable in the interests of the State and of the morality" (page 43).

68. In enacting a law to provide a form of marriage for persons following the Marumakkathayam or the Aliyasanthana Law (Madras Act No. IV of 1896), the Madras Government had due regard to the sentiments of the community and provided for free divorce (see sections 19, 20, 21 and 22 of the Malabar Marriage Act).

69. In Travancore also the difficulty in arriving at a satisfactory solution appears to have been felt. In recommending dissolution at the instance of either party, the Travancore Marumakkathayam Committee was influenced by the circumstances that marriage is only a civil contract, that the relationship created by it must be regulated mainly with a view to preserve public decorum and that, as the marriage union failed in its object when either of the parties showed a desire to withdraw from the alliance, it was no longer worth preserving. At the same time, they recommended the award of compensation for the purpose of protecting the wife against the caprices of her unjust husband. On the question of the disqualification for compensation on divorce, there was a difference of opinion amongst the members, Messrs. Krishna Pandalai and Padmanabha Menon stating that the adultery of the respondent must be made a ground for refusing compensation. The legislature provided that there should be no enquiry into the grounds of the dissolution even for the purpose of awarding compensation and that the wife will be entitled to it, when the applicant for dissolution is the husband and not otherwise.

70. In the opinion of the Committee, the reasons are more cogent and convincing for providing for a free dissolution than for dissolution only on proof of proper grounds. It will be noted that, according to the existing practices of the community, dissolution is free. To introduce "an elaborate system of judicial divorce devised to support a high standard of matrimonial sanctity not frequently found impracticable even in societies in which marriage has been a religious as well as a legal institution for centuries" will be highly unpopular and repugnant to the sentiments of the community. It must be remembered that this is the first attempt at social legislation amongst the Nair community in Cochin and that we should proceed step by step and with caution. Arbitrary divorces appear to be rare. Any change which the community has reason to consider revolutionary should be highly deprecated. While making these remarks, we are fully alive to the force of the contention that in order that the contract of marriage must be regarded as creating a binding tie, the practice of divorce should be strictly regulated. If a community having free marriage were permitted to repudiate it at the will and pleasure of the one party or the other, how can it be said, it is asked, that marriage exists in such a community in the true and proper sense of the word?

71. From amongst the interrogatory witnesses who have furnished answers on this subject, we shall refer to the observations of Mr. A. Sivarama Menon, High Court Vakil, who was also present at our Conference at Ernakulam. He says:—"The question of dissolution of Sambandham is a very difficult one. Sambandham not being a sacrament, one cannot say that it is incapable of dissolution. Whether the present practice of free dissolution should be countenanced or not is not free from difficulty. The ugly proceedings of a divorce court may no doubt tempt one to avoid a regular adjudication in the matter of dissolving a Sambandham. Capricious dissolutions are no doubt rare but they are not unknown. Since Sambandham is a contract, there is a great force in saying that it must stand till avoided for good reasons. On a consideration of the pros and cons, I think it is on the whole desirable to specify the grounds which would justify a dissolution of Sambandham and the chief grounds I will suggest are:—

- (1) Mutual agreement,
- (2) Adultery,
- (3) Change of religion

- (4) Cruelty,
- (5) Physical and mental disqualification such as congenital and incurable disease, e. g., leprosy, lunacy, and
- (6) Other justifiable grounds".

72. There are on the other hand pronounced views of witnesses who advocate free divorce. We should, though at the risk of the report being rendered somewhat lengthy, extract the opinions of a few of these persons.

73. Mr. T. A. Kallyanakrishna Iyer, High Court Vakil, (I. W. 25), says:—"For obvious reasons I would retain the existing practice of free dissolution of Sambandham. I would leave it to the good sense of the parties concerned and their relations to settle between themselves privately the reasons for and against the dissolution of Sambandham. General education is making rapid progress among the community accompanied by a sense of decency and respectability. Public opinion is rapidly gathering strength in regard to many vital questions concerning the community as a whole. This and the difficulty which a male and a female is likely to meet with in securing a new wife or a husband may be held to be sufficient check upon capricious divorce. It might at first sight appear that this view is inconsistent with the recognition of Sambandham as legal marriage, but a moment's reflection will show that the right of free divorce is calculated to act as a check upon such conduct and behaviour which generally brings about a dissolution of marriage. As matters stand now among the educated and well-to-do classes—and it may be said generally—it is seldom found necessary for the male or the female to exercise this right which however contributes not a little to the absence of the occasion for the exercise of the right".

74. A lady witness (I. W. 1), says:—"The practice of free dissolution is good. But it is necessary that the parties should give written intimation to each other. It is unnecessary to give sufficient reason for the act".

75. Mr. K. Govinda Marar, High Court Vakil, says "I will not abolish the existing practice of free dissolution of Sambandham. The present system of free divorce does not on the whole bring about worse results than those of the other systems. Instances of willful and capricious exercise of this power of free divorce are rare. Such instances, if they do exist, may be found everywhere as a matter of fact, even when in law, such power is not capable of being enforced. Sometimes the absence of the power leads to untold miseries especially among the poorer classes. The existence of the freedom of divorce conduces in the majority of cases to the welfare of the married couple and always acts as a check to any unhealthy and base treatment on either side. It in fact conduces to a better, more permanent and respectful relationship. Such a system is not new to Malabar. The Mahomedan system of divorce is practically the same as the Malabar system".

76. Mr. A. Ramacha Nedungadi, B. A. & B. L., Deputy Collector (I. W. 28), says, "I would advocate the existing practice of free dissolution of Sambandham as I consider that it is more conducive to the happiness of the parties. If dissolution is allowed for specific reasons, then they will have to be proved in court and it is very often not possible. The result will be endless quarrel and misunderstanding between the parties. I do not think that the freedom now allowed to the parties is abused to such an extent as to justify the imposition of conditions. No man of any respectable tarawad will abandon or will be allowed to abandon his wife and children for insufficient reason and the social stigma attached to such a conduct is a sufficient preventive against its perpetration, and if there are sufficient reasons it is better that the parties should separate even though they cannot prove them in a court of law".

77. Mr. P. Narayana Menon, M. A. & B. L., Chief Court Judge (I. W. 27), says, "It is however, advisable in view of the difficulty to establish as assignable ground, and of the familiar unseemliness of procedure the attempt at proof would involve, not to insist upon any specific ground as necessary for divorce".

78. His Highness Kerala Varmah, 1st Prince of Cochin, (I. W. No. 15), says "Free dissolution of marriage is advisable in the interest of both the parties, for married life will become a misery instead of enjoyment without love and affection in the couple".

79. Coming to the evidence recorded by the Committee, it is seen that 212 witnesses are for free dissolution, while 192 witnesses state that there must be proper grounds to support a dissolution of the marriage. Though there is a clear majority in favour of free dissolution, it may be said that it is not overwhelming and that there is no indication that the general sense of the community favours free dissolution. The Committee wishes to observe that divorces take place on account of the estrangement of feeling between husband and wife and that such estrangement is based on some reason or other. In effect therefore there would be grounds to justify a divorce and this is best expressed by the statement that arbitrary divorces are rare. Instead of making the court a proper judge of the sufficiency of

the reasons for a divorce, we leave it to the parties to decide for themselves whether their marital relationship should be put an end to. In this connection, we may rely on the considered opinion of the President of the Malabar Marriage Commission that dissolution should be free. There is a provision to that effect both in the Malabar Marriage Act and the Travancore Nair Regulation. The Bill introduced into the Madras Legislative Council in 1913 by Mr. K. P. Raman Menon provides only for free dissolution. In this connection the following observations of an eminent authority on the subject also seem to be worthy of consideration :—

“ It now requires the will of two persons to form a marriage; law insists on that condition. It is logical as well as just that law should take the next step involved by the historical evolution of marriage and equally insist that it requires the will of two persons to maintain a marriage. This solution is, without doubt, the only way of deliverance from the crudities, the indecencies, the inextricable complexities which are introduced into law by the vain attempt to foresee in detail all the possibilities of conjugal disharmony which may arise under the conditions of modern civilisation”. “ Since marriage is not a mere contract but a fact of conduct, and even a sacred fact, the free participation of both parties is needed to maintain it. To introduce the idea of delinquency and punishment into divorce, to foster mutual recrimination, to publish to the world the secrets of the heart or the senses, is not only immoral, it is altogether out of place. In the question as to when a marriage has ceased to be marriage, the two parties concerned can alone be the supreme judges; the State, if the State is called in, can but register the sentence they pronounce”. The Committee too would, taking all the circumstances into consideration, propose that the dissolution of marriage may be effected at the will of either the husband or the wife.

80. Having stated our views in regard to the free dissolution of marriages, the next question for consideration is whether any formality should be provided for dissolving the sambandham union. The evidence taken by the Committee shows that no sort of formality is now observed in dissolving the sambandham union. Only 16 out of 377 witnesses who have spoken on the point insist on the observance of some formality. It would appear that dissolution is now effected with the knowledge of the tarawad people of both the parties and intimation is given to the person divorced. The Committee is of opinion that in view of the fact that dissolution is not now effected as publicly as marriage and the act of dissolution is to be inferred from the conduct of the parties concerned, it is necessary to prescribe some formality in effecting divorce to secure evidence and to check the probable abuse of the right of free divorce. We would therefore recommend that divorce may be effected only in one of the following ways :—

- (1) By the death of either party,
- (2) By either party becoming an outcaste,
- (3) By mutual consent evidenced by a registered document, and
- (4) By a formal order of dissolution of a competent court.

81. As there is no enforced widowhood among Nairs, it is open to a woman to marry again after the death of her husband. In order to enable her to do so, her marriage tie should be declared terminated on the death of the husband. Hence provision No. (1). If any of the parties renounce Hinduism or become outcasted, the marriage tie is not allowed to continue according to the custom of the community. Hence the necessity for provision (2). There is at present no means of knowing if the dissolution is by the consent of both parties or by one party discarding the other. If it is by mutual consent there should be some document to evidence the separation. If the couple agree to separate, there is no necessity for any judicial proceedings. Hence provision No. (3). Provision No. (4) has been made to meet cases in which only one of the parties wants to effect a dissolution. We have in such a case recommended dissolution by a simple judicial proceeding, viz., by enabling either of the parties to present a petition and obtain a formal order of dissolution from the principal civil court of original jurisdiction. In such cases the court shall serve a copy of the petition on the respondent in the manner provided for the service of summons on a defendant in the Code of Civil Procedure and, after 6 months from the date of the application, the court shall pass orders accordingly without going into the merits of the application. The period of 6 months is provided with a view to afford opportunities for reconciliation if possible between the parties. When the husband is the petitioner, we would have him pay compensation to the wife if the divorce is effected without her consent, the amount of compensation being left for determination by the court on a consideration of all the relevant circumstances of the case. If the wife is the applicant she will not be entitled to compensation.

It would be worth while to refer here to the dissentient view on this point held by our colleague Mr. Padmanabha Menon. While upholding the principle of free divorce he is of opinion that reasons for the divorce should be gone into by the court when the party applying for the dissolution seeks to get compensation and he proposes elaborate provisions for the constitution of special courts for enquiring into and deciding matrimonial causes.

He says—"I am still inclined to adopt the provisions I have proposed. They are, I believe, calculated to prevent arbitrary and capricious divorces, afford equal redress as between the parties to the divorce in law, equity and justice, promote morality in the community, safeguard the secrecy of domestic life and its frailties from being exposed in open courts, seek the aid of the members of the community itself in deciding questions that arise as to the cause of the divorce and relegate the enquiry into such causes to a further stage when pecuniary considerations alone are brought into play".

There are those who want the husband to be compensated, for when the wife is the petitioner. But they forget that a wife has no liability to maintain the husband. "To ordain that a man should actually be indemnified because he has shown himself incapable of winning a woman's love or to keep it is an idea that could not occur in a civilised society that was not twisted by inherited prejudice". Sufferance is the badge of womankind; and it is only when goaded by unutterable miseries that a woman would seek dissolution; such is not the case with man.

If maintenance, instead of compensation, is awarded, as is suggested by others, the husband will try his best to delay or to defeat payment. And when the parties have come to court, it is better to sever all ties between them instead of leaving open any avenue for future litigation. The memorialists and a good number of witnesses examined favour this view. The Travancore Regulation has followed this course.

82. As the order of the court is intended only to be a record of the fact of dissolution, it is not necessary for the court to enter into the merits of the application. Similar provisions have been made in the British and Travancore Regulations and we understand that they are working smoothly there.

83. In this connection it is necessary to make some provision in respect of dissolutions effected before the passing of this Regulation. As the parties cannot be expected to go through any of the formalities mentioned in the above para in effecting dissolutions before the coming into force of this Regulation, the absence of such evidence should not give rise to the presumption that such unions still exist. A clear provision to exempt such cases has accordingly been made.

84. As we propose free dissolution and as that can be effected by means of a petition in a civil court, any suit for judicial separation or restitution of conjugal rights is unnecessary and we have accordingly prohibited the institution of such suits.

85. The result of the discussions on the subject of dissolution may be summarised as follows:—

- (1) The existing practice of free dissolution will continue.
- (2) The sambandham marriage should be presumed to continue until it is dissolved in any of the following ways:—
 - (a) by the death of either party,
 - (b) by either party becoming an outcaste,
 - (c) by mutual consent evidenced by a registered document, and
 - (d) by a formal order of dissolution passed by a Civil Court.
- (3) When union is dissolved without the consent of the wife, she will be entitled to claim compensation from the husband.
- (4) The unions dissolved before the passing of this Regulation will not be affected by the provisions of the Regulation.

CHAPTER III.

RIGHTS ARISING OUT OF MARRIAGE.

86. We have to consider under this head the right to maintenance and guardianship of the wife and children and the question of the inheritance and succession to the father's self-acquired and separate property consequent on the marital relationship formed in accordance with the proposed Regulation. In this chapter it is proposed to consider the former, leaving the treatment of the latter to the next chapter (Chapter IV).

87. According to the present practice, when the wife and children live in their tarawad house, the food expenses are met out of tarawad funds, the husband or father providing only for other expenses such as cloth, oil, etc. When they live with the husband, all expenses are met by him or by his tarawad. There is however no legal obligation to provide for such maintenance imposed on the husband or the father. If the father refuses to maintain his children, the only remedy now is to claim it under the Criminal Procedure Code and, even in such cases, the wife is not allowed any maintenance. But instances of a Nair husband or father neglecting his wife and children are very rare. The idea is fast gaining ground that husbands or fathers should maintain their wives and children under all circumstances. Joint residence of husband and wife is also becoming very general. There is at present only the moral obligation on the part of the husband or father to maintain his wife and children. As the Sambandham is now proposed to be legally recognised, the wife and minor children including unmarried major daughters should be allowed civil right of maintenance from the husband or father. They shall at the same time not forfeit their right to be maintained by their tarawad. The liability on the part of the husband or father is only a natural incident of the relationship subsisting between the parties. The father who is responsible for the existence of the children should in justice be made liable for the maintenance of those children. The husband's responsibility to maintain his wife needs no argument. This proposition may sound paradoxical in view of the rights every member of a marumakkathayam tarawad has in the tarawad properties. It may also be open to the objection of creating double rights. But the right of every member of a tarawad in its properties is a proprietary right. The individual right of maintenance from one's own tarawad is a birthright and should be kept intact. The fact that the husband or father is made liable to maintain his wife and children is no justification for the tarawad refusing their maintenance. The right of claiming maintenance from the tarawad when the wife lives with the husband has been recently established by the Madras High Court (Vide 36 M. 539, Muthu Ammah v. Gopalan). Their Lordships say :—

“ According to marumakkathayam law, a wife living with her husband in her husband's house is entitled to maintenance from her tarawad. The marumakkathayam law of maintenance which is the same as the Aliyasanthana Law prevailing in South Canara was reviewed at great length recently in a judgment to which one of us was a party (*Marwady v. Panikken*, 22 M. L. J. 309) and the conclusion arrived at in that judgment was that a member of a tarawad who leaves the tarawad house for a justifiable or proper purpose would be entitled to enforce his or her right to share in the tarawad property by receiving maintenance out of it and that separate residence could not be a reason for refusing maintenance. The basis of the right to maintenance has been fully explained there. It is also indicated in that judgment that the desirability of living with one's husband is a good cause for a lady to live away from the tarawad house. The custom of all members of a tarawad living together is only a social custom. Some social customs may change without affecting the legal rights of parties. All members of a tarawad are entitled to the tarawad property and are entitled to the benefit of that property. The only way in which a junior member can receive benefit out of the tarawad property is by receiving maintenance. No decided case has been brought to our notice where it was held that a woman would not be quitting her tarawad house for a proper purpose when she does so in order to reside with her husband. As far as we are aware, it is not considered improper; on the other hand, it is considered honourable that the wife should live with her husband if asked to do so ”.

88. The evidence taken by the Committee shows that, out of 374 witnesses who have answered this question, 298 are for granting the rights proposed above and only 76 are against it. Of the latter, the majority are for legalising the existing usage, on the ground that claim from both the sources cannot be allowed.

89. Under the existing system, the karanavan is the legal guardian of all the minor members of his tarawad, even though such minors live outside the tarawad under the protection of their fathers. This system is fraught with injurious consequences to the well-being of the children. I. W. 27 says “ As indifference is the general characteristic feature of the relationship between each karanavan and most of the junior members, it is, in my opinion, more advisable to make the husbands or fathers the guardians of their minor wives and children under all circumstances.

90. In his observations on Mr. K. P. Raman Menon's Bill introduced into the Madras Legislative Council, Raja Manavedan Raja states as follows :—

“ In the present state of things, children have no guardian, none to guard their interests. The legal guardian is the uncle, who is not however the natural guardian in the sense that his natural inclination is to protect the interests of his own children even to the detriment of those of his nephews. On the other hand, the father who really is the natural guardian is not legally bound to protect his children's interests. The consequences are disastrous. Cases of young men of wealthy old families wandering about utterly neglected are numerous. I think it is necessary by legislation to make the father the legal

guardian of the children". In an article published by the Hon. Sir C. Sankaran Nair about the time of the passing of the Malabar Marriage Act (vide page 139 of the Madras G. O. No. 504, Public, dated 31st March 1915), he observes :—

" Now consider the position of children in a Nair family as at present constituted. Their parents have nothing to do with their education. They are under the control of their karanavan.....The close association between children and their guardians which is essential for the right formation of the children's character does not exist. Their karanavan is in law their guardian. As a matter of fact, his natural affections draw him to his own children though there he may not be free, but has to subordinate himself to the pleasure of his children's karanavan. Their father may be inclined to do his duty by them but against their karanavan's pleasure he cannot take them away to live with him; he himself cannot live with them or guide their education. Except therefore in these cases where the husband and wife have left their tarawad house and had with their children a paternal family life, a healthy home education for the children is impossible and even in the other class of cases, such paternal family life exists on the sufferance of the karanavans of husband and wife who may dissolve their home at their pleasure by ordering either of them back to the tarawad, to divorce the other or by taking away the children to the tarawad. As a rule, it is not out of tarawad funds that the children are educated. Where the paternal family system is growing up, it is almost invariably the father. In other instances it is either the father or some favourite relative who may be a member of the tarawad. If therefore the foundation of character is formed at home, then it is clear enough that the tarawad is not a fit home for the well-being of the children".

91. As the present system is by no means conducive to the well-being of the minor children, we propose to make the father their guardian. Their guardianship should however not extend to the right to properties they have in the tarawad, in respect of which the karanavan is the guardian. But at the same time, it is not desirable to make the husband the guardian of minor children of the wife by a former husband. In such cases we would propose that the mother should be made the legal guardian.

92. A large majority of the witnesses (305) are in favour of the proposal now made while only 55 are against it. The main reason urged by the minority is that it is contrary to the principles of the present marumakkathayam system. A few witnesses say that the mother should be the guardian. As the father and mother cannot have any divided interests with regard to children, the objection has no force. The extracts quoted above show the injurious effects of the present system. The necessity for a change in the present law is generally felt as is seen by the evidence of a great majority of the witnesses in favour of the proposal. The draft Regulation framed by the Committee will be found to give effect to the foregoing proposals.

CHAPTER IV.

RIGHTS ARISING OUT OF MARRIAGE—(continued).

93. According to the marumakkathayam law governing the Nairs, the property Intestate succe- left intestate by a male member of a tarawad is inherited by his sister's sion. children and not by his own children. Any Nair male, wishing to give property to his wife and children out of his self-acquisition, should give it during his life time or should execute a will in their favour. Practically, the whole community is dissatisfied with this law which is on the face of it unjust and against nature. Out of 411 witnesses who have recorded their views on this subject, 392 say that the wife and children should have a claim on the husband's or father's self-acquisition. The evidence is almost unanimous that the joint residence of husband and wife is becoming more general; that there is a growing sense of the family tie as between the father and his children, that fathers more and more interest themselves in the nurture and education of their children and that children perform the funeral obsequies of their father when the latter is a Nair. It is also clearly seen that there is a growing sense of duty on the part of the husband or father to make some provision for his wife and children.

94. The following statement of L. W. No. 22 is echoed by a good number of witnesses :—

" In the majority of cases, arrangements will be made by the husband during his life time and the real hardship arises only in those cases where, before making such arrange-

ments, the husband meets with death. And this appears to be all the more hard in those cases, and they are many, where in the making of the self-acquisitions, the beloved partner has contributed her share in the shape of money, labour or care, not to mention the constant worry or trouble she may have had to undergo. Such cases though rare in former times are now too many. Modern conditions have enabled married Malayalees to go to distant parts for eking out their existence. They return after years of sojourn with their earnings, and if, by the time they return, the husband meets with any sudden death, the whole acquisition is snatched away by the husband's relations who had nothing at all to do in such acquisitions. It is no argument to say that they could have made a separate arrangement by means of a will or otherwise".

95. In the Memorial submitted to His Excellency the Governor of Madras by the followers of Aliyasanthana (marumakkathayam) law in 1869, it is stated:—"This system of inheritance is opposed to nature, for nature has implanted in the heart of man an affection for his progeny and a desire to bestow on them all that he possesses and to see them happily settled in life, but the Aliyasanthanam law demands that a man shall love his nephews more than his own children and thereby compels him to run counter to human nature. No positive law, however stringent it may be, even triumphs against nature, and the result, therefore, is that while the estates of Aliyasanthanam families are made over to the management of a single individual, he on his part is prompted by his natural inclinations to betray the trust reposed in him, in the interests of his nephews which it was the object of the law-giver to protect, and to press into his service perjury, forgery and other utterly demoralising expedients to carry out his wishes the more effectually".

96. The above observations made 50 years ago with reference to Aliyasanthana people are true even to this day and apply with equal force, if not more, to the Nairs of Cochin and elsewhere. In the interests of society, the present system requires modification. The wife and children should be given the right to succeed to the husband's or father's property. The main objections to this proposal are that it will lead to double inheritance and litigation. Many of those who object say that provision is ordinarily made for wife and children during the life time of the husband or father and no legislation on the point is necessary.

97. It is observed that some of the witnesses who are opposed to the legalisation of Sambandham urge the necessity of a law to provide for the wife and children out of a man's self-acquisition. (I. W. 4 and 28).

98. With regard to the double system of inheritance and increase in litigation, the Travancore Nair Regulation Committee observes:—

"This is belied by what we know of the Nanjanad Vellalas and Ezhuvas among whom children get a share of the father's properties, generally by adjustment and rarely by litigation". The Malabar Marriage Commission states that "this pie-bald system is already in full force amongst the Moplas and Tiyyas of North Malabar and the incongruity it involves does not occasion any insurmountable difficulty. The only strife and litigation to which the double system of inheritance can give rise will be due to the difficulty of distinguishing self-acquired from ancestral property and this same difficulty will equally arise in every case where property is divided by will".

99. A law which says that a man's property should not be inherited by his children but by the children of others cannot be condemned too severely. Old days are gone and old manners changed. It is to the father that the children now look up to for affection and support. The wife also clings to her husband and not to her karanavan who in his turn is chiefly concerned with the welfare of his wife and children. All over the world, children succeed to the father's estate as they stand foremost in his affections. The Committee has therefore no manner of hesitation in proposing that the wife and children should have a claim on the property of the husband or father.

100. It has next to be considered, what share of the properties should go to wife and children. 287 witnesses out of 411 are for giving one-half share to wife and children, 57 for giving below half, 28 propose to give above half and 10 want to give the whole. According to the existing customary law referred to already, the wife and children have no claim on the husband's or father's property after his death and it is very rarely that a Nair male gives away the whole of his properties to his wife and children by gift or will, ignoring his sister's children who are according to custom to perform his funeral ceremonies. As observed by the President of the Malabar Marriage Commission (para 16, Suppl. Memo) "In a society constituted as the marumakkathayam society, the affection for one's sisters and sister's children is much stronger than it is elsewhere, and this makes the practice as regards the reservation of a portion of self-acquired property for them intelligible".

101. Mr. P. Narayana Menon, B. A. & B. L., (V. W. 143), in his criticisms on the draft bill says:—

"Are not our sisters and their children entitled to protection and regard at our hands? Now, your sister and yourself are born of the same parents and they are your only associates until you come up to age and are sufficiently advanced in life to set up independently for yourself. Your wife knows nothing of the most unattractive and disgusting period of your life, when you were an infant rolling in dirt and filth. Who looked after you then? Your sisters along with your parents, and should your parents die early, for the whole period of your infancy, very uninviting period indeed and difficult to look after, you are in charge of your elder sisters alone. When you have thus grown up and are able to earn something for yourself, is it natural that you should forget those who brought you up in your infancy or who were at any rate, your associates then, and bestow your all on your future associates only? That will be ingratitude of the blackest type and this, selfishness unmitigated. It is absolutely essential that those who were about us in our infancy that most uncertain and risky part of our life, and who were to look after you then, should have an interest in your growing up, should have a claim on the fruits which they have themselves contributed, both directly and indirectly to bring forth. So a system which gives due recognition to both these considerations will be more natural and more in keeping with human ideas and virtues".

The proposal therefore of the few witnesses to give the entire self-acquisition to wife and children is somewhat revolutionary and is clearly against the general sense of the community who would most willingly give one half and this we think is a fair proportion under the present circumstances.

102. The next question that engaged the consideration of the Committee is, whether this right of succession should be allowed to the Nair wives and children of non-Nairs. We have observed that the custom permits non-Nairs also to marry Nair females and the community treats it just like the Sambandham between a Nair male and a Nair female. The non-Nairs that generally marry Nair females are mainly Brahmans (Nambudiries and Pattars), Kshatriyas and Ambalavasis, such as Warriars, Pisharodies, Puduvals, etc. Of these, the Brahmans follow Makkathayam, and Kshatriyas and Ambalavasis Marumakkathayam just like Nairs. We have already proposed that non-Nair husbands and fathers should be made liable for maintenance of their Nair wives and children. It cannot be disputed that a man who begets children is liable to maintain them. No man is compelled to marry; but if he does so he must take the responsibility of making provision for the maintenance of the issues brought into existence by him and it is the duty of the Government to see that a married man realises this responsibility. The father has therefore to make provision for his children and this responsibility cannot be different between a Nair father and a non-Nair father. Further, the right proposed to be given is in respect of one's self-acquisition over which he has absolute power of disposal. It is also objectionable to have two kinds of marriages, one between a Nair male and a Nair female with right of inheritance, and the other between a Nair female and a non-Nair male without right of inheritance. It is not obligatory on the part of a non-Nair male to marry a Nair female, but if he chooses to do so there is no justification whatever to prevent his wife and children from inheriting a portion of his self-acquired property. During the enquiry, some of the witnesses brought this subject to our notice and a large number of viva voce witnesses were questioned on it. Out of 240, 234 are in favour of this proposal. Mr. K. Kelar Thirupad, B. A. & B. L., Kshatriya (V. W. 107) says "on reconsideration I think that the Brahman husbands also should be subject to the same liabilities as Nair husbands and non-Nair Marumakkathayam husbands".

Mr. Chengazhinellore Parameswaran Nambudiri (V. W. 115) says "Even if the husband be a non-Nair, half of his self-acquired properties should be inherited by Nair wives and children."

Wadakkancherry Valia Manakkal Vasudevan Namburipad (V. W. 161) says "one-fourth of the self-acquisitions should be inherited by Nair wives and children. The responsibility to support one's wife and children is equally vested in all".

Chozhiath Illath Madhavan Namburi (V. W. 230) says "a portion of the self-acquisition of a Namburi should be given to his Nair wife and children".

Mr. C Krishnan Kartha (V. W. 246) says "If ladies should inherit the properties of their husbands, it is unjust to make a distinction between ladies marrying Nair males and those marrying non-Nair males".

Chittur Narayanan Namburipad (V. W. 250) says "A Namburi husband should give half of his self-acquisitions to his Nair wife and children".

Mr. T. H. Subramania Iyer, Munsiff's Court Vakil (V. W. 256) says "half of the self-acquisition of a Non-Nair husband must go to his Nair wife and children".

Vadakkillath Jatavedan Namburipad (V. W. 352) says "Even if the father be a non-Nair, a portion of his self-acquisition should be inherited by Nair wives and children".

Kurur Chennan Namburi (V. W. 353) says "that not more than half of the self-

acquisition should be inherited by Nair wives and children irrespective of the consideration whether the husband be a Nair or a non-Nair".

Mr. K. P. Karunakara Pisharody, B. A., (V. W. 44) says "The non-Nair husbands should be subject to all the liabilities imposed on Nair husbands".

Mr. T. C. Krishna Menon (Retired Chief Court Judge), I. W. 34, says "There is no reason why a male of a different caste marrying a Nair female should not be brought under this Regulation so far as it will not affect the then existing rights of other persons. For instance, the self acquired property of a Brahman or an Ambalavasi may be inherited by his paternal or maternal relatives and his children in equal shares".

103. Of the six witnesses who are against this proposal, one alone has attempted to give a reason and he says that there will be difficulties to get non-Nair husbands. We have already met this objection and no more comment on this is necessary. The opinions of the respectable non-Nair witnesses above quoted will clearly show that the apprehension of this witness is groundless.

104. In this connection, the question will arise as to how the karanavan's self-acquisition is to be determined for purposes of inheritance? In some cases, the karanavan by his skill and labour is found to increase the tarawad property considerably. According to the law as it now stands, the presumption is that any acquisition made by a karanavan or a managing member of a tarawad belongs to the tarawad. As karanavan, he is obliged to devote his whole time and attention to the management of tarawad property and cannot make any separate earning for the benefit of his wife and children. 206 witnesses as against 181 are in favour of the proposal to make the wife and children to inherit a portion of such accession. But there are difficulties in its application in practice. As Mr. C. Sankara Menon, High Court Vakil (I. W. 21) says:—"To regard any portion of the accession to tarawad properties made during management by a *de jure* karanavan as his self-acquisition is inconsistent with the duties and rights appertaining to his position. Besides, it does not recommend itself to me as practicable and is likely to lead to unnecessary litigation".

Mr. V. Raman Nair (I. W. 23), a leading High Court Vakil, writes from Palghat:—"I think it unwise and undesirable to allow the wife and children, any share in the accession or addition made to the tarawad property by the husband or father as the managing karanavan of his tarawad, as, in my opinion, the creation of such a right in favour of the wife and children would lead to endless litigations between the parties".

Mr. P. Narayana Menon (I. W. 27), Puisne Judge, says:—"In principle, the provision to give a share will be fair, but the difficulty under the existing circumstances will always be to ascertain the fact and more the extent of such acquisition. To make any special provision might be fruitful of unnecessary litigation".

105. As the managing member of the tarawad, it is the duty of the karanavan to make accession to the tarawad property and in cases he makes such accession the presumption is that it is with the co-operation of the tarawad members and with tarawad funds. For these reasons we are not prepared to recommend that the wife and children should have any claim to such accession. He has however to be given some remuneration for devoting his whole attention to the management of tarawad affairs. Some of the witnesses suggest that he should be allowed to appropriate 25 per cent of the net income of the tarawad and we think this is a fair remuneration. We have thought it more just and proper to provide that the appropriation by the karanavan of his 25 per cent share should be with reference to the realised net income and that, in view of the fact that in a few tarawads having considerable income, such a share will mount up to thousands, we have fixed a maximum of Rs. 900 beyond which the karanavan has no claim. So far as this is concerned, it may be treated as his self acquisition.

106. The next question to be considered is about the devolution of the self-acquisition of any member of a tarawad after satisfying the claims of his wife and children. The question of the devolution of the self-acquired property of a member of a tarawad was till recently involved in doubt, but the Cochin Chief Court has now decided the question in conformity with the sense of the community, namely, that the self-acquired property of a junior member of a tarawad should lapse to the thavazhi and not to the common tarawad. In A. S. 35 of 87 it was held (1) that when a male member of a tarawad governed by Marumakkathayam law died, his self-acquisitions should be inherited by his thavazhi meaning thereby his mother (if alive), his brothers, and sisters and sister's issue and (2) that the presumption that acquisitions standing in the name of a junior member of a Malabar tarawad belonged to the tarawad was one of fact and that the nature and extent of the presumption to be raised in any given case would depend on the special circumstances proved and admitted in that case (4 C. L. R. 131).

107. We would therefore propose that such self-acquisitions should lapse to the thavazhi of his mother after deducting the share of his widow and children. If he has no widow or children, the whole should go to his thavazhi.

108. In this connection we have to consider the question as to who is entitled to possession of the property left by the deceased. All those who have sufficient self-acquired property generally live apart from the tarawad in houses of their own and the family in such cases is composed of father, mother and children. If the right of possession is given to marumakkathayam heirs, the wife and children who have all along been in the possession and enjoyment of the property during the life-time of the husband or father will have to be ousted as soon as he dies. Generally the marumakkathayam heirs of a Nair male are not friendly towards his wife and children. Wife and children will in many cases be without funds if they are not allowed to remain in possession of the property of the husband or father. They will therefore have to undergo considerable hardship if the property goes into the hands of marumakkathayam heirs. Our proposal therefore is that the wife and children should be entitled to the possession of these properties till a division is effected and the half made over to the marumakkathayam heirs. This rule need not apply to the case of non-Nairs marrying Nair females. The majority of non-Nairs who form such connections are Namburi Brahmans and they do not generally live with their Nair wives and children in separate houses of their own.

Our colleagues Messrs. Padmanabha Menon and T. K. Krishna Menon however take a different view on this point. Mr. K. P. Padmanabha Menon says "I would make no difference as to the possession of the self-acquired and separate property of Nairs and non-Nairs. I am aware that difficulties may arise with regard to Nambudiries and East Coast Brahmans who marry Nair females but do not set up separate living, but I think there ought to be no exemption or privilege given to one class over the other".

109. Closely connected with this subject is the devolution of the self-acquired property of a female dying without issue. 73 witnesses say that the whole of such property should go to the husband, 85 witnesses that it should be divided between the husband and blood relations, 102 witnesses that the husband should have only a life interest, and 19 witnesses that the whole should lapse to the blood relations. The rule of inheritance in the case of the properties left by a deceased husband should in fairness apply to the properties of the wife also dying without issue. The wife's self-acquired property will generally be that given by the husband, and it would be unjust if he is disinherited of such properties. But these considerations cannot justify his claiming the whole of such property. The husband cannot perform the funeral oblations of the wife and they have to be done by the wife's collateral or attaladakam heirs. They should therefore have a claim upon the property of the deceased. We would therefore propose that, in the case of a female dying without issues, half of her self-acquired property should go to her husband and the whole in the absence of collateral or attaladakam heirs.

110. We will now summarise the results of the discussion under Intestate Succession:—

(1) Nair wife and children should have the right to inherit one half of the husband's or father's self-acquired property, whether such husband or father be a Nair or non-Nair and the other half should go to his thavazhi or legal heirs. In the absence of such thavazhi or legal heirs, the whole should go to wife and children.

(2) Wife and children should, till a partition is effected, be in possession of the properties left by the Nair husband or father at the time of death.

(3) The property left by a member of a tarawad should devolve on his or her own thavazhi after deducting the share to wife and children in the case of properties left by the male.

(4) If a female dies without children, one half of her properties should devolve on her husband and the other half on her collateral or attaladakam heirs.

(5) The remuneration of 25 per cent of the realised net income of a tarawad not exceeding Rs. 900 per year may be treated by the karanavan as his self-acquisition.

CHAPTER V.

TARAWAD AND ITS MANAGEMENT.

111. A marumakkathayam tarawad is in theory an indissoluble unit and consists of all persons who trace their origin from a common ancestress. No descendant of a male is considered a member of the tarawad. The senior male member is known as karanavan and is entitled to the possession of the tarawad.

sion and management of the property belonging to the tarawad. The karanavan is not accountable to the junior members for his actions. He represents the tarawad in all suits affecting the tarawad. He is the guardian of all the minors in the tarawad. The junior members of the tarawad are known as "Anandaravans" and have only a right of maintenance. Besides this right, they have the right to succeed to the karanavanship in the order of seniority. They can seek the removal of the karanavan by a decree of court if he habitually mismanages the affairs of the tarawad. They can sue for setting aside any alienations of tarawad property made by the karanavan against the interests of the tarawad. Sir T. Muthuswamy Iyer, President of the Malabar Marriage Commission, speaks of the marumakkathayam tarawad as follows :—(Para 24.)

"An archaic system of management founded on the notion that the maternal uncle will adequately protect the interests of his nephews and nieces even when they are several degrees removed from him and that he will not yield to the temptation of neglecting them for those of his own children is no doubt contrary to human nature and cannot but be open to several serious objections".

112. Out of 339 witnesses examined by the Committee on this subject, 300 agree in saying that, in a tarawad consisting of several thavazhies, the karanavan does not look after all the thavazhies impartially, that he is generally partial to his own thavazhi and that he is not esteemed and obeyed by all alike. All the witnesses except 18 say that karanavans do not generally act in the best interests of the tarawad. One and all the witnesses say that the powers of the karanavan should be curtailed and defined. The educated public of Ernakulam in their joint answer observe that "the karanavan should only be the managing member of the tarawad. All his actions should be in accordance with the wishes of the majority of the adult members of the tarawad".

113. Mr Pandarakalathil Govinda Menon, (V. W. 194), karanavan of a respectable Nair tarawad, and President of a Village Panchayat, says "It is impossible for any body to manage the affairs of a tarawad to the satisfaction of all members. It is therefore impossible to avoid split between karanavans and anandaravans. Differences originate in minor matters but they eventually lead to serious ones. I cannot say that there are even 10 Nair tarawads in the Cochin State in which the karanavans and anandaravans pull on amicably. The karanavan's natural desire to enrich his wife and children will increase with the increase of family quarrels and this leads to misappropriation of tarawad funds and to the ruin of tarawads".

Mr. Konnanath Govinda Menon, (V. W. 168), thavazhi karanavan of another respectable tarawad, and President of Chelakara Panchayat, says "It is impossible to please all members in managing a tarawad".

His Highness the 1st Prince (I. W. 15) says "Now the karanavan is the sole manager and so abuses his powers to the detriment of the tarawad and causes much inconvenience to the members. As it (tarawad property) is a joint property, every member, male or female, is equally interested in its welfare. Therefore the karanavan should render an account of the receipts and disbursements of the previous year and invite the opinion of the members whether any change or alteration is necessary in the management of the current year". Again "now-a-days a karanavan can do and does intentionally or not, a lot of mischief to the tarawad property. So the junior members are to be given a voice in the management of the tarawad. In the interests of the tarawad, the karanavan is to be only a managing proprietor and none else".

Mr. P. Narayana Menon, Puisne Judge, (I. W. 27), says "I do not think that any other system known to me demands in its proper and ideal form so much of unselfishness and ungrudging co-operation in the interests of others than is the one now under consideration and such unselfishness and co-operation should be found not only among the karanavans or managers but also equally among the other members of the tarawad. But however, for well known reasons, such as the natural instincts and feelings of humanity in general, the association with the condition and methods of other communities, the circumstances and requirements of modern employment implying a distinct tendency towards individualism and others too subtle and numerous for exhaustive enumeration the observance of the requisite degree of unselfishness and co-operation has for long been almost practically impossible and is only likely to be so in an increasing measure in the future".

Mr. C. Krishnan Nair, B. A. & B. L., High Court Vakil, (I. W. 29), says "I should think a good deal of changes in the law as it now stands are required with regard to the powers of the karanavan and the rights of junior members. The karanavan ought to be made to feel that he is only the manager and not an irresponsible autocrat of the tarawad".

Kerala Varmah, B. A. & B. L., (I. W. 4), 21st Prince of Cochin, who is against legislation generally, says "It is true that the karanavan is now an autocrat, capable of abusing his powers, if he wills, and it is also true that he must be made responsible for the welfare of

the tarawad.....He can do what he wishes with the income, can resist the alienation proposed by others even in the best interests of the tarawad and can subject the other members of the tarawad to many inconvenience and nuisance. The rigour of the autocracy must be abated".

Mr. Panthalinkal Gopala Menon and 32 other Nair gentlemen of Nemmara say :— "Most of the present day karanavans are seen to be extremely fond of their wives and children. They are not only very selfish but they hate their own tarawad people. The anandaravans are equally bad; they like to conduct themselves fashionably and without any respect to their elders. Most of them are spendthrifts and not amenable to sound advice. These causes have contributed to the existing deplorable condition of Nair tarawads. No body can now possibly redeem these two sets of people".

Rao Bahadur P. Narayana Menon, who is opposed to legislation, admits that the provisions of the draft Regulation regarding management are necessary.

In connection with the Bill introduced by Mr. K. P. Raman Menon, Mr. Innes, I. C. S., the then Collector of Malabar, observes :— "The tarawad system turns out nature with a patch-work. But nature comes back again. The wide-spread distrust of the karanavan is due to the knowledge that the karanavan is torn between his duty to his tarawad on the one hand and his natural inclination to make provision for his wife and children on the other". Again "when the karanavan subordinates the claims of duty to the dictates of natural affection (and it is an undoubted defect of the tarawad system that it should involve such a conflict), his tendency lies not in the direction of careful prudent estate management but in that of raising money as best as he can. At any rate, the wide-spread demand for restriction of the karanavan's powers is an indication that all is not well with the tarawad system".

M. R. Ry. Rama Varmah Rajah, Avl., B. A., Valia Rajah of Chirakkal, says (page 185 of G. O. 504, Public, Madras) "the karanavan's interests are generally adverse to those of the anandaravans. His interests naturally centre round his own wife and children, and he is solely concerned with enriching his matrimonial relations at the expense of his tarawad. These opposed interests occasion continual strife and perpetual misery in marumakkathayam families. The injustice of investing such an individual with autocratic powers in the management of properties and affairs common to a large number of distantly related persons whose legal disabilities and financial dependance incapacitate them to have an effective voice in their behalf is as intolerable as it is scandalous. Under such a condition of things the family administration becomes unsympathetic. Education of the children of the family is not cared for. Disunion and strife among members are the order of the day. Family life becomes on the whole unhappy. The funds of the family are diverted for building large houses and large fortunes for the wife and children of the karanavan, the funds which in law ought to be used for the benefit of the tarawad. In not a few cases where the possible income from proper resources of the family is found inadequate to satisfy the karanavan's thirst for wealth, he does not scruple to enter upon unconscionable bargains which are ruinous for the tarawad, for the purpose of obtaining large and immediate profits for his own private purposes. Many a rich and well-to-do marumakkathayam family has been and is being reduced to beggary by such abuses of the large powers vested by law in karanavans. The anandaravans are helpless in such a plight. True, legal redress is available, but poor anandaravans have to fight against tremendous odds.....I am therefore strongly of opinion that it is high time to make changes in the marumakkathayam law agreeably to the altered tendencies of the people. I feel that it is the bounden duty of the legislature of the land to see that the birth-rights and interests of large numbers of persons entrusted by law in the hands of a single individual are properly and adequately safeguarded. It must have now become evident beyond a doubt that the Malabar karanavan is not a superhuman and divine being and that he cannot be safely trusted with such large powers as he now possesses in law.....And I think that it is only just and proper that all persons interested should be given a practically effective control in the administration of their common property".

114. The above description fully applies to the state of affairs existing in Cochin as is evidenced by the large volume of evidence given by the witnesses before the Committee. 391 witnesses out of 414 who have expressed their views say that all karanavans should keep accounts of tarawad income and expenditure and allow the junior adult members to inspect the same; 348 out of 398 say that the karanavan should associate the junior adult members in every alienation of tarawad property or in incurring debt; and 361 out of 387 say that all the adult members of a tarawad should be made parties in suits concerning tarawad properties. To rectify the existing unsatisfactory and unsettled state of things, provisions of law to cover the following suggestions proposed by a large majority of the witnesses are in the opinion of the Committee really necessary. In many cases they shall be only codifying the existing practice and case-law on the subjects referred to.

(1) The karanavan or managing member should keep accounts of management and allow anandaravans to inspect the same.

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“An individual member of a tarawad has no right for an account from the karanavan. Such member of a tarawad has a right to succeed by seniority to the management of the family property”. (2 M. H. C. R. 12).

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118. *Point No. (3)*. According to the present law, every adult member of a tarawad ought to be consulted and his or her consent obtained before parting with immoveable property of the tarawad and if any factious member refuses to assent, that fact should appear in the deed of assignment. The Hon'ble Judges of the Chief Court in S. A. No. 123/91 make the following observations in laying down the law.

“Every adult member of a Malabar tarawad has a right to be consulted before permanent alienation of immoveable property of the tarawad was made and if any factious member refused to give his consent that fact should appear in the deed of assignment.

(Sankara Menon, J) “However wholesome the rule that a sale by a karanavan in junction with one of the anandaravans must be deemed to be in the interest of the tarawad and therefore valid might have been in days when the sole concern of the karanavan was the interest of the tarawad, the reason for the rule no longer holds in these days when his angle of vision has been considerably changed and when the predominant consideration of the members of the tarawad including the karanavan is not so much the interest of the tarawad as those of their wives and children. To this change is probably due the fact that in the assignments of tarawad properties executed in recent times the junction of all the adult members is almost invariably insisted upon. I think that if the feelings of the community at large be consulted in the matter of alienations of tarawad properties there will be a concensus of opinion in favour of the view that every member ought to be consulted before alienation of tarawad properties for any purpose whatsoever.

Taking all things into consideration, I am decidedly of opinion that every adult member of a tarawad ought to be consulted and their consent obtained before parting with immoveable property of the tarawad and that if any factious member refuses to give his assent that fact should appear in the deed of assignment”.

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Taking all things into consideration, I am decidedly of opinion that every adult member of a tarawad ought to be consulted and their consent obtained before parting with immoveable property of the tarawad and that if any factious member refuses to give his assent that fact should appear in the deed of assignment”.

119. In 7 C. L. R. page 1, it is stated that an assignment by a karanavan and two of his immediate anandaravans for proper purposes should in the absence of a fraudulent intention be considered to have been a prudent arrangement, and courts would be unwilling to set aside such alienations after the lapse of more than 29 years from the date of assignment.

This is with regard to outright sale. But in regard to mortgages and leases, the karanavan has the power to mortgage and lease the tarawad properties. As the law is however unsettled, it is better to declare that every sale of tarawad property moveable or immovable or leasing or mortgaging it for a period of more than 6 years should have the consent of all the anandaravans wherever possible. In the ordinary course of business the karanavan has to transact many things such as disposing of grains, usufructs, etc., for purposes of management. This restriction should not apply to the sale of such moveables.

120. *Point No. (4)*. According to the case law in Cochin, it is settled that any liability undertaken by the member who is the *de jure* karanavan must be presumed to be binding on the tarawad unless and until the contrary is made out (4 C. L. R. 126) and the onus of proving such necessity is now on the anandaravans, the creditor being liable only to satisfy himself that tarawad necessity existed (70—71, C. L. R. 157 and 4 C. L. R. 126).

In 3 M. 288 it is stated that, in the absence of any evidence there is no presumption of law that a debt contracted by a karanavan was contracted on behalf of the tarawad. In such a case it is for the creditor to show, if it is disputed, that the debtor had authority from the family as their agent or manager and that he assumed to act in the particular instance as such agent or manager.

In view of these conflicting rulings it is better to have definite laws on the subject in the interests of the tarawad and we accordingly propose that the burden of proof shall always be on the creditor to make out tarawad necessity.

121. *Point No. (5)*. According to the present law, the karanavan is entitled to represent the tarawad in suits on behalf of or against the tarawad and a decree passed in such a suit is binding on the tarawad unless fraud or collusion is alleged and proved. The proposal of the Committee is to curtail the powers of the karanavan and to associate all adult anandaravans in all transactions relating to the tarawad and, in view of this proposal, we have provided for obtaining the consent of all anandaravans in all sales and mortgages and leases of tarawad property. Consistently with this proposal, it is necessary to provide that no decree shall bind a tarawad unless the karanavan and junior members are included as parties to the suit. This will remove all chances of further litigation.

122. *Point No. (6)*. At present the karanavan has the power to delegate his powers of management to any one he likes (8 C. L. R. 183). Some karanavans are abusing this power by delegating their authority to strangers who act against the interests of the tarawad. We propose to do away with this power in the interests of the tarawad.

123. *Point No. (7)*. The present law in Cochin is that members of a marumakkathayam tarawad are not entitled to separate maintenance if they live outside the tarawad house for their own convenience without the consent of the karanavan. The right of a junior member to be maintained out of tarawad funds is an individual right. It is because of his ownership in the property and not on account of the member's want of means that he is entitled to participate in that income. The right to maintenance in a Nair tarawad is the mode by which the right of ownership is enforced. Hence the right of a woman living with the husband to get maintenance from the tarawad has been recognised by the British Courts (36 M. 593). We would accordingly propose that the right of any member of a tarawad to maintenance from the tarawad, whether that member lives in the tarawad or not should be recognised in Cochin also as it is an individual right. Maintenance means and includes food and raiment, expenses of education and of medical treatment and such other expenses of an anandaravan as come under the category of menchilavu. A member of a tarawad who incurs medical expenses for his treatment can claim the same from the tarawad karanavan (19 I. C. 704).

"A member of a Malabar thavazhi who has incurred expenses for his medical treatment cannot claim the same as against the karanavan of the thavazhi, but can enforce its payment from the karanavan of the tarawad.

We are of opinion however that the plaintiff was not entitled to recover the expenses for his medical treatment from the karanavan of the thavazhi. It is the tarawad that is *prima facie* bound to look after the health of its members and the plaintiff would have a valid claim against the karanavan of the tarawad for any expenses legitimately incurred for medical treatment".

124. This question does not seem to have been decided in Cochin. The expenses of western education cannot be claimed from the tarawad according to the existing case law.

Such education is necessary under the present conditions and hence we are of opinion that such claims should be recognised in cases where tarawads can afford to do so.

125. *Point No. (8)*. According to the present law in Cochin, a karanavan can renounce his sthanom or office (8 C. L. R. 143). In 28 M. 182, it is stated that it is open to the karanavan of a tarawad to renounce his karanavanship including his right to manage the tarawad affairs. If a man is inclined not to continue as a member of the tarawad, it is not just to compel him to remain against his will. It is injurious to his own interests as well as to those of the tarawad. If he becomes a convert to any other religion, all his connections with the tarawad naturally cease. He must therefore have the power either as karanavan or anandaravan to give up his entire rights and we think that the law should recognise the right.

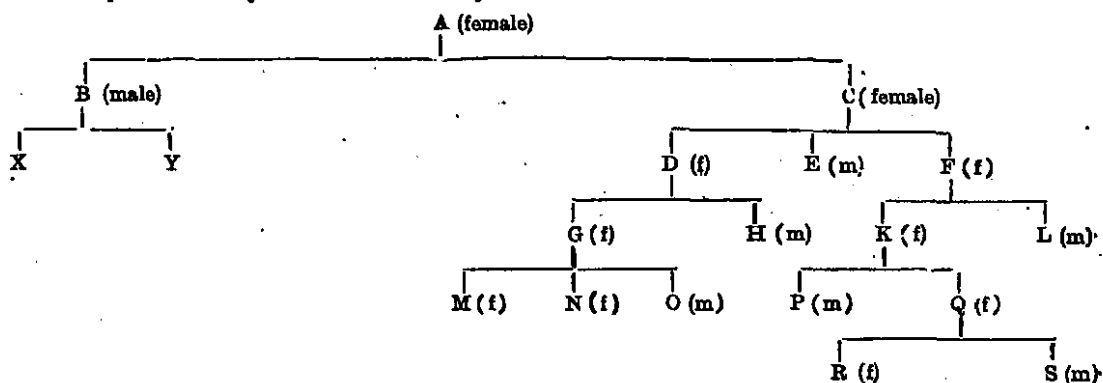
126. *Point No. (9)*. It being obvious that the position of a karanavan and managing member of a thavazhi is more or less the same as that of a karanavan and manager of a tarawad, all the changes proposed for curtailing the rights of the latter must apply equally to the former. A thavazhi possessing independent properties is a tarawad, though with reference to the larger tarawad of which it is a thavazhi, it may not be proper to apply the name tarawad to it. A thavazhi is, for all practical purposes, a sub-tarawad or a tarawad in a tarawad.

127. The Committee is of opinion that legislation on the above lines is necessary to settle the law on points which continue to be involved in doubt and obscurity and to remove a fruitful source of wasteful litigation.

CHAPTER VI.

PARTITION.

128. It is more or less well known that kinship in a marumakkathayam family is always traced in the female line. A man's heirs are his sister's children and not his own. A man's nephews and nieces, the issues of his sister, are his heirs. The children of his nieces are also his heirs. The children of his nephews are not his heirs. Descendants from a common ancestress in the female line to the remotest degree form an undivided family or tarawad and such a tarawad may consist of several thavazhies. The subjoined table will explain clearly what is meant by a tarawad and a thavazhi :—



The tarawad consists of all the members from A to S, of whom B is the karanavan and C is his sister. B's issues X and Y are strangers to the tarawad and have no place in it. According to the ideal marumakkathayam system, B has to subordinate the interests of his children to those of his sister's children, her grand-children, her great grand-children and so on in the female line. After the death of B, E will be the karanavan. He will be the direct karanavan, D and F being his sisters. After the death of C and E, there will be two thavazhies in the tarawad, viz., of D and F, and the senior male, (he may be H, L or P) will be the karanavan and he is expected to look after the interests of all the members not only of his direct thavazhi, but also of all the other thavazhies. It will be seen from the above table that some of the members are closely connected with the karanavan, while others are remote from him, some may be his sisters and her children, and thus would belong to his thavazhi, others may be related to him only in a distant way and thus belong to another thavazhi. The karanavan is in possession of all the properties; all the members are subject to his control; and he is expected to look after the interests of all the members impartially, however removed they may be. We have already observed that when there

are several thavazhies in a tarawad, the karanavan shows a strong partiality to his own thavazhi and when the interests of his own children are concerned, he subordinates the interests of even his own thavazhi to those of his children. His interests are thus often in conflict with his duty as karanavan. The evils arising from such conflict become accentuated when the tarawad consists of a large number of members. This leads to family quarrels and causes much misery. The thavazhies therefore show a tendency to reside in different houses and obtain separate maintenance, or separate allotment of properties. 263 witnesses out of 368 who have recorded their views on this subject say that, by such separate residence and allotment, there is considerable peace in the family and appreciable increase of the properties allotted to each branch.

129. The Malabar Marriage Commission remarks (para 53 of the M. M. C. R.) "how does a system work which selects the eldest male by mere virtue of his senility and puts him in the place of a father to rule over all the descendants in the female line of a single ancestress as if they were his children? In any large tarawad, if the karanavan reaches the ordinary span of human life, the chances are that his successor (the next senior male) has already one foot in the grave The natural operation of the rule is, the karanavan, when he succeeds to office, is already in his dotage and has but a few years to live, and from this follows the result that most tarawads are afflicted by a change of karanavan at frequent and brief intervals. The chances are when an old man succeeds to the office he is already physically and mentally incapable of contending with a score of men and women younger than him and bound to him by no natural tie of affection. He becomes a puppet in the hands of one or more of them and the tarawad suffers the usual consequences of puppet rule. As one karanavan follows another in rapid succession, each is placed under the strongest temptation to use his brief opportunity to provide for those he loves at the expense of those whom he does not love. When the power to raise money by lease and mortgage and his non-liability to account for it are considered, it is indeed wonderful that any karanavan should be honest".

The joint family system cannot work satisfactorily under the management of such a karanavan. In the words of Mr. Innes, I. C. S., "the system is failing into decay, and the Nair society is beginning to outgrow its ancient institutions".

Mr. Imbichunni Nair, Retired Subordinate Judge, observes:—"The karanavans find out hundred and odd ways for misalienations of tarawad properties and to acquire properties for their wives and children out of the proceeds of such misalienations. The old system was for the karanavan and anandaravan to work together for the benefit of the joint family. The present is the reverse. Each works now for his own gain. The courts of law are flooded as it were with suits for maintenance, suits to set aside karanavan's alienations and suits to remove karanavan. In the case of many tarawads, their management is virtually in the hands of the karanavan's sons. It is very seldom that a karanavan cares to educate his nephews on the maternal side. He devotes all his attention to the education of his children. Crimes are also increasing in Malabar owing to the disunion among the members of marumakkathayam family. We had instances of even murders of karanavans by anandaravans".

The Calicut Bar Association observe:—(page 75, G. O. No. 504, dated 31st March 1915).

"The tarawad system may have suited the requirements of the marumakkathayam community in the past. The junior members may have cherished feelings of reverence and affection for the karanavan in former times, and the karanavan in his turn may have shown more regard and affection towards his nephews and nieces than for his own children As matters now stand, conflicting feelings and interests are given full play, and the genius of marumakkathayam system has been deviated from in all its essentials, the outer forms alone now remaining binding down people to a dual and dishonest life".

The above observations will show that the system is morally, materially and economically bad and unsuited to the present day requirements of the community.

130. The law of partition as it now exists does not appear to have been the law in Cochin formerly. In A. S. 27 of 1045 of the Appeal Court it is observed "It is not for this court to consider whether the rule of partibility or impartibility is more conducive to the welfare of the community. Though arguments may be advanced in justification of either view, there can be no doubt that those in favour of partition carry more weight with them. To whichever of these views this court may be inclined, nothing could warrant us from a course of practice which has been invariably recognised and uniformly acted upon and as such has obtained the force of law. As this court is of opinion that the right to enforce partition of property belonging to a marumakkathayam tarawad is allowed by the accepted custom of this country, we reverse the decision of the court below and remand the suit for disposal on the merits".

To show that the practice was all along to allow suits for partition to be entertained, several cases from 1016 are cited in the judgment above mentioned. A different practice appears to have afterwards sprung up and the law as understood in later times is against compulsory partition. In *Padmanabha Menon v. Sivarama Menon* and 153 others, which is a decision of 1090, the Chief Court observed:—

“It is settled law that for the purpose of a valid partition amongst the members of a Malabar tarawad all the members thereof must be parties thereto and that the withholding of the consent of any one member is enough to render it void.....It is no doubt very hard that Ex. B which has been assented to by most of the members of the tarawad should be held invalid for the reason that a few members are against it and that by declaring Ex. B inoperative the tarawad is drifted into confusion and entails serious loss. While we are satisfied that the terms of Ex. B would conduce to the welfare of the members of the family and that the branch tarawads would have a prosperous career we are powerless by reason of the settled state of the Malabar Law binding on us to grant them relief, for by doing so we would instead of administering the law as we find it, be making law ourselves which is not the province of courts but of the legislature. Legislature has to step in and enact the necessary measures for placing matters on a satisfactory footing”.

131. In British Malabar also, impartibility was not the rule till it was so made by the European Judges of the Madras High Court. Sir C. Sankaran Nair says—(page 133, G. O. No. 504, dated 31st March 1915).

“I believe myself that the law as it now exists, namely, that the tarawad property is impartible, was not the law of the country according to the consciousness of the people. Before the days of Mr. Justice Strange and during his time also in the mofussal courts, before he put an end to it, it was the usual practice in Malabar to attach a man's interest in the tarawad property in execution of decrees against him. Mr. Strange reported that an idea was thus introduced “that a joint share in property involves a number of individual shares, any of which may be divided off from the estate and forfeited to the creditor of the supposed individual share-holder”. This practice was stopped by a circular issued by the Sudder Court. I have not seen any decrees for partition in Malabar tarawads published in any text book, but in Krishna Rao's book on the Aliyasanathana law, which is the same as Marumakkathayam law, various decisions will be found collected which allowed partition of tarawad property. They were put an end to by the High Court. Mr. Mayne says in his Hindu Law that partition would now have been an accomplished fact in Malabar but for the English Judges of the Madras High Court, and according to him, and I think he is right, the result there would have been the same as in the case of the Hindu families elsewhere. This check to development was due to the opinion of Mr. Justice Holloway that no customary law should be allowed to develop itself, but it would be left to the legislature to intervene when the necessity arises. It may be doubted whether this is right”. Again he observes:—“I have little doubt myself that under our customary law where there are dissensions between the members of the tarawad of such a nature that it was not possible for them to get on together partition was allowed. In fact it was a common thing in the old days for a woman to say to the others when she wanted to leave the tarawad “give me what I have and I shall go away”. Since Holloway's time no partitions have been allowed in Malabar”. It is to be observed that the Indian Judges in Indian States have followed the decision of the English Judges of the British Courts instead of deciding cases according to the customary law of the State for the good of the community concerned and for the guidance of foreign Judges.

132. We shall now consider the necessity of changing the present law as regards partition. We have already observed that the marumakkathayam tarawad is in theory an indissoluble unit and that the self-acquisitions of any member have to lapse to that unit. But according to the existing customary law it lapses to his own thavazhi. The chief dis-integrating factor is the recognition of separate acquisition of an individual. The splitting up of the common tarawad into branch tarawads has also become the order of the day, of course with consent of all the members. In the absence of common consent, the tendency is to live in different houses when the sisters have children and grand-children. The process is going on naturally either by the fact that the management under one man has become physically impossible owing to the large number of members in the tarawad or owing to their not being able to live together amicably. The disintegration of marumakkathayam family is bound to take place in the course of evolution of the society.

133. The necessity for a change in the existing law has been noticed by many who have had any occasion to observe or deal with it. The late Mr. Justice Moore, in his book on Malabar Law and Custom, states as follows:—

“As to what the law is regarding this matter, there can be no doubt. But it becomes every day more and more a question for consideration as to whether the time has not come for the legislature to step in and afford the members of the Malabar tarawads greater facili-

ties for bringing about a division of the family property. In a suit to remove a karanavan which recently came up before the High Court it was shown that there were 200 members in the tarawad who lived in 30 separate houses. The karanavan whom the courts were asked to remove was a man of 77 years of age who has not succeeded to his office till he was almost 70. The affairs of the tarawad were in great confusion, endless suits being from time to time filed against the karanavan by the rival branches for their maintenance. It was scarcely possible that any karanavan could restore order to a chaos shown to exist, but as all the members would not agree to division, all that the court could do was to remove the worn out old man of 77 and put a man of 63 in his place. In the case of overgrown tarawads such as this where there has been endless litigation and internecine conflicts for years between the several thavazhies, compulsory partition by a court decree is clearly the only remedy".

Prince Kerala Varmah (I. W. 16) says, "there are many instances in which many a family has been totally ruined owing to the absence of the right of claiming partition".

Mr. P. A. Krishna Menon, first grade pleader of Calicut of 35 years' standing (I. W. 18), says, "suits for maintenance, suits to remove karanavan and suits to set aside alienation by karanavan are the results of the absence of a right to enforce partition. No tarawad where there are more thavazhies than one is happy at present".

Mr. K. Damodara Menon, Chief Court Vakil of long standing, (I. W. 19), says that "the absence of the right to enforce partition causes family litigation and ruin of the families to an alarmingly ruinous extent".

Mr. C. Sankara Menon, High Court Vakil, (I. W. 21), who gave opinion against partition before the Travancore Marumakkathayam Committee 9 years ago now says "I am the karanavan of my tarawad and I can well appreciate the difficulties of a karanavan, but as I grow older and as my experience of the condition of society increases, I may say I have had during these 9 years ample opportunities of studying the conditions of Nair society in Travancore. I do not think so far as I know the conditions in Cochin are much different (he is a Cochinite)—the conviction grows stronger and stronger in me that the marumakkathayam system with its incidence of impartibility is quite unsuited to the modern conditions of Nair society and that the only remedy for all the ills which the society is now suffering is the grant of right of individual partition of tarawad properties".

Mr. T. A. Kallyanakrishna Iyer, High Court Vakil of 30 years standing, (I. W. 25), says "90 per cent of the family dissension and litigation is attributable to this cause (absence of the right to enforce partition) and it has well-nigh ruined many an ancient family. During my pretty long career at the Bar I have had professionally to deal with the affairs of almost all the important marumakkathayam families in British Malabar and Cochin and I speak with some sense of responsibility when I say that the marumakkathayam system of property has become an impracticable thing".

302 witnesses out of 364 say that the absence of the right to enforce partition causes family dissension and litigation and seriously affects the prosperity of the tarawad.

134. To remedy the evils of impartibility above referred to, the Nair tarawads resort to separate residence and separate allotment by means of family karars, and to voluntary outright partition with the consent of all the members. In most cases these arrangements are effected after the tarawad is almost ruined by litigation and debts and finds it hopelessly difficult to pull on any further.

135. Maintenance arrangements are of 2 kinds, viz.,

(1) Allotment of income, and

(2) Allotment of properties with restraint on alienation.

That this method will not bring about the desired result will be clear from the following typical instances.

V. W. No. 283 says "There has been outright partition into 6 thavazhies in my tarawad. Partition had to be effected because there was no body to look after the property, and quarrels ensued. Before partition there was allotment of property but the quarrels did not end".

V. W. 295 says "My tarawad was partitioned into 8 thavazhies in 1089. In 1079 the properties were allotted to different thavazhies by means of a karar. As it was found impracticable to act up to the conditions of the karar outright partition was effected in 1089".

136. It is to be observed that there is no permanency in these arrangements. Allotment will have to be periodically revised according to the increase or decrease of members in a particular thavazhi. The properties in the enjoyment of one thavazhi may be demanded by another thavazhi in exchange at the time of re-adjustment. There will thus be no inducement to improve the property. With regard to the allotment of income, though there may be peace in the family, the vagaries of the karanavan have to be taken into

account. He may stop it at any moment and he may not care to improve the property. So either arrangement does not conduce to the welfare of the community. Only 43 witnesses including 7 graduates are satisfied with the allotment for maintenance. The sub-joined statement gives particulars of these witnesses.

FOR ALLOTMENT FOR MAINTENANCE.

No.	Witnesses classified.	Graduates.			Non-graduates.			Grand total		
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total	
			Karanavans	Anandaravans			Karanavans			Anandaravans
1 (a)	Government officers in actual service drawing Rs. 100 and above	1	2	2	5	...	...	...	5
(b)	Do. below Rs. 100	...	...	...	...	2	1	3	3
2	Pensioned officers	...	...	...	...	...	...	...	...
3	Vakils	...	...	1	1	...	1	1	2
4	Editors	...	...	...	...	1	1	2	2
5	Private school managers and teachers	...	...	...	...	...	...	...	...
6	Gentlemen following other professions	1	...	...	1	...	...	...	1
7 (a)	Ryots paying tax of Rs. 1000 and above	...	...	...	...	3	4	7	7
(b)	Do. 500 to below 1000	...	...	...	...	3	1	4	4
(c)	Do. 300 do 500	...	...	...	...	1	...	1	1
(d)	Do. 100 do 300	...	...	...	...	5	2	7	7
(e)	Do. 50 do 100	...	...	...	...	...	1	1	1
(f)	Do. below Rs. 50	...	...	...	...	1	2	3	3
(g)	Without these particulars	...	...	...	...	...	...	3	3
8	Princes	...	...	...	...	1	...	1	1
9	Ladies	...	...	...	...	3	...	3	3
	Total	2	2	3	7	8	16	12	36	

137. A large majority of witnesses (334) including 73 graduates are for allowing out-and-out partition. Of these, 143 are admittedly karanavans as will be seen from the following two statements.

FOR THAVAZHI PARTITION.

No.	Witnesses classified	Graduates			Non-graduates			Grand total		
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total	
			Karanavans	Anandaravans			Karanavans			Anandaravans
1 (a)	Government officers in actual service drawing Rs. 100 and above	7	3	9	19	1	...	1	2	21
(b)	Do. Rs. 100	3	2	2	7	1	19	25	45	52
2	Pensioned officers	3	2	1	6	...	4	1	5	11
3	Vakils	2	1	18	21	...	8	4	12	33
4	Editors	...	...	...	...	...	1	1	2	2
5	Private school managers and teachers	...	1	...	1	...	1	1	2	3
6	Gentlemen following other professions	1	1	...	2	1	2	2	5	7
7 (a)	Ryots paying tax of Rs. 1000 and above	...	...	...	...	...	3	5	8	8
(b)	Do. 500 to below Rs. 1000	...	...	...	...	...	11	10	21	21
(c)	Do. 300 do. 500	...	...	...	...	...	14	6	20	20
(d)	Do. 100 do. 300	...	...	...	...	...	26	17	43	43
(e)	Do. 50 do. 100	...	...	...	...	...	3	4	7	7
(f)	Do. below Rs. 50	...	...	...	...	...	13	6	19	19
(g)	Without these particulars	1	...	...	1	13	...	...	13	14
8	Princes	1	...	...	1	1	...	...	1	2
9	Ladies	...	...	...	...	7	...	...	7	7
	Total	18	10	30	58	24	105	83	212	270

N. B. Out of this 270 witnesses who are in favour of thavazhi partition, 12 witnesses say that individual partition is also good.

FOR INDIVIDUAL PARTITION.

No.	Witnesses classified.	Graduates.				Non-graduates.				Grand total
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total	
			Karanavans	Anandaravans			Karanavans	Anandaravans		
1 (a)	Government officers in actual service drawing Rs. 100 and above	2	...	1	3	...	1	...	1	4
(b)	Do. below Rs. 100	...	...	1	1	...	3	...	4	11
2	Pensioned officers	1	...	...	1	...	3	...	3	4
3	Vakils	7	...	2	9	...	2	...	2	13
4	Editors	...	...	...	...	...	...	...	...	...
5	Private school managers and teachers.	...	...	...	...	...	...	...	...	...
6	Gentlemen following other professions	...	...	...	...	...	1	...	1	1
7 (a)	Ryots paying tax of Rs. 1,000 and above	...	...	...	...	...	1	2	3	3
(b)	Do. 500 to below 1,000	...	...	...	...	...	1	1	2	2
(c)	Do. 800 " 500	...	...	...	...	...	2	2	4	2
(d)	Do. 100 " 300	...	...	...	...	...	10	5	15	15
(e)	Do. 50 " 100	...	...	...	...	...	2	...	2	2
(f)	Do. below Rs. 50	...	...	...	...	...	1	2	3	3
(g)	Without these particulars	...	...	...	...	2	...	...	2	2
8	Ladies	1	...	...	1	...	...	...	1	1
9	Princes	...	...	...	...	...	...	...	...	...
	Total	11	...	4	15	8	28	19	40	64

N. B.—12 more witnesses say that thavazhi partition also is good.

There is no room for doubt as to what the public opinion in Cochin is. They are decidedly for outright partition.

138. We shall now consider certain general objections raised against partition. 48 witnesses including 6 graduates and 17 karanavans object to partition, as will be seen from the sub-joined statement. Of these, 12 witnesses give no reason in support of their objections. In the families of 25 of the aforesaid 48 witnesses, there was actual partition.

AGAINST PARTITION.

No.	Witnesses classified.	Graduates.				Non-graduates.				Grand total
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total	
			Karanavans	Anandaravans			Karanavans	Anandaravans		
1 (a)	Government officers in actual service drawing Rs. 100 and above	...	...	...	...	...	...	...	...	...
(b)	Do. below Rs. 100	...	...	...	...	2	3	5	5	5
2	Pensioned officers	...	...	...	...	...	...	...	...	...
3	Vakils	8	...	...	8	...	2	1	3	6
4	Editors	...	...	...	...	...	1	1	1	1
5	Private school managers and teachers.	...	...	...	...	...	...	...	...	...
6	Gentlemen following other professions	...	...	...	...	...	...	...	...	...
7 (a)	Ryots paying tax of Rs. 1,000 and above	...	...	...	...	1	1	1	3	3
(b)	Do. 500 to below 1,000	...	...	...	...	...	...	...	...	...
(c)	Do. 800 " 500	...	...	...	...	2	1	3	3	3
(d)	Do. 100 " 300	...	...	...	...	5	...	5	5	5
(e)	Do. 50 " 100	...	...	...	...	2	...	2	2	2
(f)	Do. below Rs. 50	...	...	...	...	3	2	5	5	5
(g)	Without these particulars	...	...	...	...	14	...	14	14	14
8	Ladies	...	...	...	...	1	...	1	1	1
9	Princes	8	...	...	8	...	...	...	...	3
	Total	6	...	...	6	16	17	9	42	48

The following is the evidence of some of the opponents for partition :—

V. W. 128 says "I have 3 houses with community of pollution. I know of 100 and odd instances of partition. I have myself effected 10 partitions". There is no explanation as to why he did not discourage partition.

V. W. 146 says that thavazhi partition is very common in his locality and that the desire to get one's share is the cause of family dissension.

V. W. 175, a karanavan, says "It is the general practice now-a-days with tarawads to partition themselves into thavazhies as well as individually, and even the thavazhies so separated in recent times split themselves up by effecting individual partition. The members so separated conduct themselves as they please and the evils consequent thereon are innumerable". Further on, he says that "there was partition in his own tarawad and that the properties have not in any way suffered". He also says that "there are only a few tarawads which have not had partition".

V. W. 333 who is opposed to partition says "there was outright partition in my tarawad 20 years ago. If there was no partition then, there would have been family quarrels and ruin of properties. Partition is general in Nair tarawads. Most of the tarawads in my village have been partitioned".

V. W. 236 says "It is not to the moral and material interest of the Nair community to give legal recognition to the right to demand partition by individual member or thavazhi. In 1034 there was partition in my tarawad. I have 20 tarawads with community of pollution. Partition is very general. I have myself interfered, and effected partition in 20 tarawads".

V. W. 345, also an opponent of partition, says "Partition is very general in these parts. It is doubtful if there is a single tarawad here in which partition has not been effected within the last 100 years. My tarawad was partitioned in 1089. It was due to the inefficiency of the karanavan. After partition, affairs are going on properly".

The above extracts would show that these witnesses are neither sincere nor serious in their objections.

139. As in the case of legislation of sambandham marriage, Prince Ravi Varmah (I. W. 92) is a strong opponent of partition, and the Committee considers it necessary to examine the soundness of his objections. The Prince says:—"The only result of the granting of such a right will be to bestow the inexperienced and the unwary into the clutches of the lawyer and his tout, a calamity to be avoided at all costs. No doubt, if partition is given, an intelligent young man with business capacities may thrive and even in his case the pitfalls are many. But what about the duffers and the dunces who form the majority in most families. So long as the family is joint and undivided, their interests are cared for and protected by the karanavan who is related to them by blood. Even if he is not of a desirable type, the family interests will always receive the careful scrutiny of the intelligent members of the family. But the moment these poor creatures are deprived of the guiding control, they will fall an easy prey to the machinations of unscrupulous harpies. Temptations will be thrown in their way, and wine and women will complete the work that the lawyer had begun. These dangers are multiplied a hundred-fold when the victim happens to be a woman. If the rule of impartibility is removed, we shall not have to wait long to see the evil consequences of it. The young men will run through their fortunes in no time and we shall see in a couple of generations the richest and the proudest families in the land reduced to the level of the poorest and meanest".

140. The objections of the Prince fall under 4 heads:—

- (1) Increase of litigation.
- (2) Majority of the members being duffers and dunces, they will fall an easy prey to the machinations of unscrupulous harpies.
- (3) Young men will run through their fortunes in no time.
- (4) Women will suffer the most.

141. We will consider these objections in order.

Objection (1). It will appear that the Prince is under the impression that Nair tarawads are at present working smoothly and satisfactorily and that the karanavan manages the tarawad in consultation with the anandaravans. We have already shown that the system is not working satisfactorily under a common karanavan who is removed from the others by several degrees. The evidence of (I. W. 25) Mr. T. A. Kallyanakrishna Iyer, High Court Vakil of long experience in Cochin and Malabar, to which we have referred, belies the assertion of the Prince. Mr. A. Govinda Menon (I. W. 30), Member, Travancore Legislative Council, and a Vakil of standing, says "the civil and criminal courts testify to the dissensions in the Nair families and the present deplorable condition of Nair tarawads bears ample testimony to the serious dangers to which the system of non-partibility has exposed the Nair tarawads. Again, the condition of the Nair tarawads at present is anything but praiseworthy. The economic condition of the Nair community was thus steadily undergoing a change for the worse. Hundreds of rich and influential families have disappeared during the last 50 years, and few, very few, have risen in their stead".

The Calicut Bar Association observe (page 75, G. O. No. 504, dated 31st March 1915).

"This association can bear testimony to the ruinous and disastrous litigation that consequently follows, ruinous as much to the interests of the tarawad as to the moral of its members. Suits for maintenance, suits to set aside alienations made by karanavans, suits for the removal of karanavans and other suits of like nature have become almost the common features of tarawad life.....Strife and disunion are the leading features now in most Malabar tarawads, the reason being that discordant elements are sought to be bound together under the system in question and the association is clearly of opinion that, looking to the unavoidable and unsatisfactory state of things in the Malabar tarawads the legislature should interfere and grant partibility to its members".

V. W. 339 says "My tarawad was partitioned 10 years ago, due to the misconduct of the karanavan. No evil has resulted from it. If there had been no partition, it would have resulted in the ruin of tarawad properties".

V. W. 329 says "There was partition in my tarawad 12 years ago, due to the disagreement between the several thavazhies. After partition, matters are going on smoothly and no evil has resulted from it. It would have been otherwise if there was no partition".

V. W. 288 says "It is doubtful if there is any tarawad in this place which has not effected partition. Disagreement among the members leads to partition. Very few tarawads have been ruined on account of partition".

V. W. 286, Kodasseri Kunjuni Kartha, member of a wealthy and aristocratic family, says "In 1088 there was outright thavazhi partition in my tarawad as the management was being not conducted properly".

V. W. 271 says "There was partition into two thavazhies in my tarawad in 1093. It was done with a view to better the prospects of the tarawad and to see that the properties are not ruined".

V. W. 270 says "There are 70 tarawads in my native place, of which three or four have not been partitioned. Partition is resorted to when family quarrels arise".

V. W. 242 says "There was partition in my tarawad 12 years ago. We have 20 *seshakar* houses. Family quarrels have lead to partition. Partition has resulted in the good of the family".

V. W. 215, a karanavan of 70 years old, says "Thavazhi partition is a good remedy to end family quarrels. It is very general in these parts. Tarawads without effecting partition are very rare".

V. W. 154 says "Most of the tarawads that have not effected partition are going down".

142. The above evidence conclusively shows that partition, instead of fostering litigation, will minimise all chances for the same. The Prince's observation is therefore not warranted by facts. In the words of Mr. V. Kamaran Nair, Retired Sub-Judge, "If we look into the statistics of family dissensions and litigations, we may come to the conclusion that the origin of such ruinous litigations is to be found in the tarawad system, when it ceases to be a simple family or ramifies into collaterals and thavazhies with conflicting interests. I know many important and wealthy families which have been ruined by a course of litigation. The most effectual remedy to root out the evil is disintegration of the unwieldy family into separate and independent families by partition".

143. As regards *objection (2)*, no person having a correct knowledge of the condition of Nairs has made such a sweeping assertion. At any rate, the duffers and dunces cannot be allowed to occupy the position of karanavan and ruin the whole tarawad by their incapacity. In the interests of these duffers and dunces also, partition is necessary. When partition is effected, these duffers and dunces may join with their near relations such as brothers and sisters who are expected to take better care of them than a distant karanavan.

144. *Objection No. (3)* has reference to the inexperience of young men. In all other communities partition is the rule. There are inexperienced young men in such communities. We have not heard of any proposal to take away the right of partition so far as these young and inexperienced men are concerned. However young and inexperienced a person may be, it is against human nature to suppose that he will deliberately and wantonly squander away all his properties and try to become a beggar. A young man will have his ambitions and aspirations and will have a sense of responsibility when thrown upon his own resource and he will acquire habits of thrift and self-reliance. The evidence of a large number of witnesses shows that it is the aged and experienced that at present bring ruin to several tarawads. We have every reason to hope that our young men with their high aspirations gained by their present day education will try to better their material condition instead of trying to impoverish themselves and the community.

145. In regard to *objection No. (4)*, the above remarks equally apply. The Prince himself admits that "the husband generally takes care to provide for his wife and children", and "that there is a growing sense of the family tie as between the father and his children". The woman will therefore be safe in the hands of her husband. So this argument also has no force.

146. Other objections urged against partition are

- (1) that it is not for the good of the community,
- (2) tarawads already partitioned are in an impoverished condition, and
- (3) it will lead to increased expenditure.

We will consider these objections *seriatim*.

Objection No. (1). Enough has been said to show that the absence of the right to enforce partition is working the ruin of the community. In spite of the rule of impartibility, the community is effecting partition by voluntary separation and this is occurring almost daily. There are very few tarawads in the State which have not been partitioned. We shall note what the witnesses in different parts of the State say.

V. W. 8 says "There have been so many partitions of Nair tarawads in my native place, and partitions are still going on. I have myself taken part in many of them. My tarawad itself has been partitioned. I know of 60 instances of partitions".

V. W. 79. "There are very few tarawads within my knowledge which have remained undivided for long".

V. W. 108 says "Thavazhi partition is very general in my locality. I have got three tarawads with community of pollution. They were partitioned off some 300 years ago".

V. W. 134, a karanavan of 70 years of age, says that thavazhi partition is very common.

V. W. 158, another karanavan of 70 years, also says that thavazhi partition is common in his locality and that it is done when the members increase.

V. W. 159, karanavan, says that thavazhi partition goes on in his locality and that litigation is minimised thereby.

V. W. 160, karanavan, says that there is no evil existing out of thavazhi partition.

V. W. 155, karanavan, says that thavazhi partition is good and that it is common in his locality.

V. W. 194, Mr. Pandarakalathil Govinda Menon, karanavan, and Panchayat President, says that "there are only two tarawads, which have not been partitioned in the villages of Thiruvilwamala, Kaniyarcod and Pampadi. There are instances where one tarawad has been partitioned several times".

V. W. 231 says that partition is very common in his village and it does not bring about any bad results.

V. W. 234 says "In my locality there are few tarawads which have not been partitioned. Partition brings on prosperity".

V. W. 252, Mr. T. Achyutha Menon, B. A., retired Registrar, says "It is within my experience that partition is common among Nairs. While I was a District Registrar there used to be a partition deed or family karar almost every day".

V. W. 260, pensioned officer, "I have been a Parvathiam in five villages. Partition is common in all those villages".

V. W. 267, Munsiff's Court Vakil of 16 years standing, says "There are few tarawads in Irinjalakuda which have not been partitioned. My house is in Chennamangalam where also thavazhi partition is very general. I know, as a vakil, instances of a large number of thavazhi partitions".

V. W. 268, Munsiff's Court vakil of 41 years standing, says that in Irinjalakuda there are few tarawads which have not been partitioned.

V. W. 295, karanavan of 71 years old, and retired Vakil, says that partition is going on from a very long time.

V. W. 322, Pattancherry Panchayat President, says that in his village, partition is very common. There are only two tarawads there which have not been partitioned.

V. W. 349, Parvathiam and Panchayat member, Nemmara, says that "thavazhi partition is very common there. There are only a few tarawads which have not been partitioned".

147. The above evidence clearly shows that partition is a matter of every day occurrence in Nair tarawads. If it will bring about the downfall of the community, it is

quite unintelligible why they should go in for partition voluntarily to such a large extent. If partition is bad in itself, could it be considered valid and legal, because it is effected with the consent of all the members? It is not therefore bad *per se*.

148. Legal recognition of the right of partition does not mean that every tarawad should become divided. The effective weapon of partition in the hands of an anandaravan will open the eyes of the karanavan and he will take care to manage the tarawad affairs without complaint, and the junior members, when they are assured that the karanavan will not misuse his powers, will try to go out and earn for themselves without squatting idly in the tarawad house. Other communities in India, such as the Parsis, the Christians, the Brahmans, etc., which accept the principle of partition are as opulent as, if not more than, the followers of marumakkathayam law. The fear that partition will bring about disintegration of marumakkathayam tarawads and poverty is therefore groundless.

Objection No. (2). It is true that some of the big tarawads may be split up into smaller ones but it cannot matter much, as in the place of an unweildy and quarrelsome tarawad, there will arise two or more new tarawads where peace, prosperity and friendly feelings will reign and there is nothing to prevent these small tarawads from becoming wealthy and influential.

149. Regarding *objection No. (3)*, it is no doubt true that, at the outset, there will be some increase in expenditure for putting up houses, etc. Under a system of compulsory partition, an individual or thavazhi will get possession of tarawad properties. This possession and opportunities to look after them will create a sense of responsibility and engender habits of thrift and industry which are often wanting at present. When such a man has his own property to look after, he is likely to put forth his whole energies for its improvement with the certain result of increased income. The expenditure is somewhat large only at the outset, but the income will be permanent.

150. The question whether partition is desirable and necessary has been exhaustively discussed by the Travancore Marumakkathayam Committee in their report on this subject and their conclusion appears to be quite convincing. It is superfluous to add anything to the arguments dealing with the objections raised against partition.

Sir C. Sankaran Nair says (page 133 of G. O. No. 504 dated 31st March 1915) "After the whole evidence was taken by the Malabar Marriage Commission, Sir T. Muthuswamy Iyer, the President of the Commission, has come to the conclusion which he expressed to me that it should be open to the majority of the members of a tarawad at a meeting where all the adult members had an opportunity of expressing their views to decide whether partition was necessary or not. In his view such should have been declared to be the marumakkathayam law by the courts".

We have gone into this question somewhat minutely not that we entertain any doubt on the point but because some of the few that oppose it have thought fit to express themselves in language that is unnecessarily strong and heated. It is strange that the opponents for a scheme for partition forget that there are few or no families in the Cochin State that have not divided, and that some of them have vigorously worked to bring about partitions in families in which they are interested.

151. It is clear from the observations made above that for the benefit of the society compulsory partition is necessary. The question still remains, whether an individual should have the right of claiming partition or a thavazhi or group of individuals should have it. From a strictly logical point of view, the right of individual compulsory partition of the tarawad property has to be recognised. There is however no enthusiastic demand from the community for such a right at present. The evidence recorded by the Committee clearly shows that the community at present asks only for thavazhi partition and not for individual partition. Social legislation should as far as possible proceed on cautious lines and take stock of the feelings and sentiments of the community concerned. We are not therefore prepared to recommend individual partition. For the present, thavazhi partition will satisfy the community as will be evidenced from the large number of witnesses who have deposed to that effect.

152. We have already indicated in the geneological table in para 128 as to what is meant by a thavazhi. In the draft Regulation submitted by the memorialists, thavazhi partition during the life-time of the female ascendant and her male children is not allowed. The evidence before the Committee shows that the majority of the witnesses desires such partition soon after the death of the female ascendant, and if she consents, during her life-time also. 183 witnesses out of 275 who have answered this question are for division when the common ancestress dies.

153. Mr. K. Damodara Menon, (I. W. 19), a retired vakil, who advocates individual partition, says with regard to the provision of the draft Regulation:—"In my long experience a karanavan who is a very near relation such as a brother or a direct uncle is a worse

tyrant than a karanavan who is more distant in blood because he may generally have a fond mother to support him or at any rate to acquiesce in his actions, and his sisters and their children also may hesitate long, sometimes until too late, before crossing him or questioning his actions, and as he has like ordinary karanavans generally and not unnaturally very little interests in the welfare of his thavazhi or is more interested in feathering the nests of his wife and children than in safeguarding and promoting the interests of his thavazhi and that too more often at the expense and to the prejudice of the latter, the brothers and sisters and their children have no effective remedy against his delinquencies under the Regulation except what it exists under the customary law as it now stands, which unsatisfactory state of things we are seeking to provide against by granting a right to partition. I may also add that this opinion is shared by all the Nair females whom I have been able to consult”.

Mr. A. Govinda Menon, member, Travancore Legislative Council, (I. W. 30), says “I would urge that, on the death of the common ancestress of a thavazhi, her female children should be given the right to divide from her sons. The bond that unites a brother and sister is the natural bond of blood relationship and it may perhaps sound sacrilegious to say that it is daily becoming thinner and thinner among the Nairs of the present day. The brother looks more to the welfare of his wife and children than to that of his sister and her children and in the result there arises much room for misery even in tarawads consisting of brothers and sisters and the children of these sisters. When the common mother is alive, she would generally exert her influence with her sons in favour of her daughters, but her disappearance from this arena of wordly strife generally snaps the tender tie that seems to bind all her children in one bond of love and interest.....That this sometimes gives rise to great hardship to the parties is plain from the fact that often the sister's sons become karanavans even when their brothers are alive by the reason of the sister's son's seniority in age. Is it right to disallow right of partition to the sisters and their brothers in such cases? I think not. I would for this and other reasons suggest that right to partition be given to the sons and daughters of the common ancestress on the latter's death”.

154. Out of 12 ladies who have answered this question, 7 are for thavazhi partition on the death of the common mother; others are for maintenance allotment without any restriction; and a few are for individual partition.

155. The sense of the community is fully depicted in the answers of the two respectable interrogatory witnesses quoted above, and the Committee has no hesitation in endorsing their views. We would therefore recommend such partition on the death of the mother. So far as the brother and mother, if she is alive and consents, are concerned, they may either separate or join with any of the thavazhis separating.

156. We next pass on to the question, as to who should claim partition; either the senior adult male member, or a majority of the adult members or all the adult members? We are now allowing partition only to a thavazhi composed of a female and her descendants. There is no justification, therefore, to grant partition to a thavazhi on the representation of the senior member. It will cause practical difficulty if all the adult members are required to join and claim partition. So long as partition is allowed to a thavazhi during the lifetime of a female ascendant, the opinion of the majority must prevail. We would therefore propose that a majority of the adult members of a thavazhi may be declared entitled to claim partition.

157. The last question to be considered is as to how partition is to be made. In a marumakkathayam family, all the members born therein have equal rights to enjoy the property by virtue of membership in the tarawad. The customary mode of effecting partition is to allot equal shares to all the existing members. We do not see any reason to deviate from this long established principle. The division will therefore be *per capita*.

158. In this connection we have to consider the question of the division of property given by or inherited from the father. In this case the father gives property for the enjoyment of his children and not for his children's children and the custom among the Nairs is to treat it as liable to be divided equally amongst the children; generally after death of the mother. This custom has been recognised by the Malabar Marriage Act IV of 1896 and the Travancore Nair Regulation 1 of 1088. We would therefore propose that the law in Cochin may be declared the same.

CHAPTER VII.

159. In this chapter, we propose to consider the subjects of ‘Impartible tarawads’, ‘Testamentary Succession’ and ‘Adoption’ and make a few observations regarding certain supplementary provisions. With these we conclude our report. As very little has to

be said in regard to the topics named above, we thought it convenient to confine their treatment to a single chapter.

FIRST AS TO 'IMPARTIBLE TARAWADS'.

The rule of partibility above laid down is only an enabling provision to claim partition. The same not being compulsory, if any tarawad wishes to remain impartible, it can do so with the consent of a majority of the members in each thavazhi. Provision is therefore made to enable those who want to remain impartible. The witnesses examined by the Commission have no objection to the proposed provisions.

SECONDLY AS TO 'TESTAMENTARY SUCCESSION'.

160. The Nairs exercise the power of disposing of their property by will. A few years ago, the Durbar wanted to legislate on the subject. But as it contemplated to curtail the absolute rights which the community had even then, the bill was strongly opposed, and it had to be withdrawn. Subsequently, the Chief Court decided that a Nair has the power to dispose of by will the whole of his self-acquired or separate property. What is now wanted is only a declaration by the legislature to that effect.

161. No detailed provisions on this matter need be engrafted in this special enactment, as such provisions should apply to wills executed by any person, without reference to the community to which he belongs and should properly find a place in a general enactment applicable to all communities. The Committee would accordingly suggest that the Durbar may consider the advisability of passing a general Wills Regulation at an early date, till which time the general principles will apply to the legislation proposed here.

THIRDLY AS TO 'ADOPTION'.

162. Though this is not included in the subjects referred to the Committee, with a view to make the Regulation regarding Nairs complete, the Committee thinks it desirable to provide for this also. Adoption is customary amongst Nairs. It is mainly intended for the perpetuation of the tarawad. Sometimes a whole family is adopted; sometimes only a few females and at other times both males and females. There is no limit to the age and number of persons adopted. A karanavan alone has not got the power to adopt, except in cases where he is the last surviving member. Adoption is now made with the special sanction of His Highness on payment of Thirumulkazcha equal to 20 per cent of the capitalised value of the tarawad properties and the amount is to be paid by the family into which adoption is made. The Committee suggests that the payment of such Thirumulkazcha need not be laid down as a condition precedent to the legality of the adoption, but that the amount if not paid before adoption should be realized under the provisions of the Revenue Recovery Regulation.

LASTLY AS TO 'SUPPLEMENTAL PROVISIONS'.

163. The Committee wishes it to be distinctly understood that the customs of the Nair community having the force of law have, wherever they are found to be in consonance with its ideas of progress, not been departed from and have formed the ground-work of the draft Regulation proposed by the Committee and that, in cases in which such laws are well-understood, the proposed Regulation has only sought to declare them; that, wherever doubts are felt, those doubts have been removed by express provisions in the Regulation; and that, wherever a change of the existing law or the adoption of new laws was rendered necessary, the Committee has endeavoured to introduce them. It is thought desirable to expressly state that such of the rules of law, custom or usage as have been left unaffected by this Regulation will have the same legal validity as before. In regard to marriage unions already dissolved or which might be dissolved before the coming into force of this Regulation, the parties thereto cannot claim any rights conferred by the new Regulation, and this has been expressly declared.

164. Express provisions have also been made in regard to the applications of Chapters II, III and IV of the Regulation to non-Nairs who have already married or may hereafter marry Nair females, leaving an option to those who have already married Nair females to get themselves exempted from the operations of Chapter IV of this Regulation by following certain procedure detailed in the draft Regulation of the Committee. At the time such sambandham unions were effected, there were no heavy responsibilities cast on the husband, and it will be unfair and hard to give retrospective effect to the provisions of the new Regulation so far as parties to such unions are concerned.

CONCLUSION.

165. We now bring this report to a close with an expression of our strong opinion on the necessity and expediency of the legislature stepping in to give effect to the growing

need for change in the social condition of the Nair community with a view to facilitate their moral and material progress. We are deeply conscious of the difficulties and intricacies of the questions referred to us for investigation, more especially as they affect the social organism of a very important section of the Cochin public, and whatever apprehensions and doubts we might have had at the commencement of our enquiry in regard to a satisfactory solution of the various matters of vital importance involved in such questions, we are now in a position to say that there is no room for any such misgivings. Our proposals on which the draft Regulation appended to this report is founded can in no sense be considered revolutionary, based as they are on the collective opinion of the Nair community in general and reflecting their customs and present-day habits and practices. Adverse criticisms there have been and there may possibly be in regard to any legislative interference, but concerning the adverse comments already made, the Committee must point out that they will have to be reconsidered by the authors of such adverse criticism in the light of the large body of evidence it had the advantage of examining, evidence which was not available to them before the enquiry by the Committee was started. Those who take pains to consider such evidence will, it is hoped, have cause to change their pre-conceived opinions in many important respects and join with us in advocating proposals suited to the modern needs of the Nair community. Those who have yet to form a definite view of the large and vital questions involved in our enquiry will, we trust, profit by the labours of the Committee and will be good enough to consider that the recommendations of the Committee do not reflect their personal views but are based upon the evidence recorded at their enquiry.

166. From the proposals made by the Committee it will be evident that, in recommending the legal recognition of the present sambandham union, they are only seeking for a legal sanction for what the community consider as perfectly valid in the eye of the law. In proposing free divorce, it only gives effect to the existing custom, having due regard to the sentiments of the community in regard to public exposure of matrimonial differences. In recommending the award of compensation to the divorced wife, it was mainly influenced by the consideration of the comparative positions of the two sexes. In recognising the right of the wife and children to the self-acquisitions of the husband and father, it is only respecting the almost universal wish of the community in the matter and plead for legislative sanction to what is being every day acted upon by them. In proposing thavazhi partition and in curtailing the existing powers of the karanavan, the Committee bestowed anxious consideration and its present proposals are the outcome of a strong desire to preserve the marumakkathayam system from complete disruption, and based on conditions now prevalent in the community.

167. Recognising as we do, the existence of a few ardent reformers who would go considerably beyond the proposals made by us and who, having regard to the existing evils in some of the marumakkathayam institutions forced on them in a few glaring instances would recommend individual partition thus paving the way for a change from the marumakkathayam to makkathayam system, we feel constrained to say that we cannot fall in with their views. Our endeavour has been to ascertain the existing evils affecting the present system and to suggest a remedy for their mitigation. We have to proceed cautiously and step by step, more particularly when we have to deal with the time-honoured social institutions of a community. The institutions must evolve gradually on the lines which experience may show are best suited to their healthy growth and if, on further experience, it is found that the times have outgrown the proposed changes, the mighty hand of legislature is still available to effect the necessary modifications.

168. As the Travancore Marumakkathayam Committee has, in concluding its report, so significantly expressed in words of wisdom and experience, "we think that with the altered condition of public opinion in the communities concerned, as proved by the evidence collected by us, the time is come for the legislature to give a helping hand, inasmuch as without such help and with a stringent system of judicial administration, it is becoming increasingly difficult for them to get rid of antiquated usages in working out their social and economic evolution".

169. In conclusion, we consider it a pleasant duty to express our grateful thanks to all those who, by the advice, help and evidence, readily and willingly given by them, considerably lightened the arduous and anxious work of the Committee. It gives us great pleasure to record our appreciation of the hard, prompt and intelligent work done by the staff, Messrs. M. Kunjan Menon, B. A., the Head clerk, and S. Sankara Iyer, who have been indefatigable in the discharge of their duties.

(Sd.) T. S. NARAYANA IYER,
President.

(Sd.) V. K. SANKARA MENON.

(Sd.) AMBAT KUTTYKRISHNA MENON.

(Sd.) P. DAMODARA MENON,
Member and Secretary.

Subject mainly to two reservations, I sign the bill and the report of the Committee one on the question of the marriageable age, and the other on that of the registration of marriages. On the first point, I am at one with the late Mr. K. P. Padmanabha Menon. In the preparation of that part of his report which deals with this subject, in particular, I had the rare privilege of collaborating with him. And that makes my sense of sorrow all the more keen at the loss of one who was great as a jurist, historian and scholar, and at the thought that he did not live to see the fruition of his labours as a member of this Committee.

He was emphatically of opinion, and so am I, that the age for marriage shall be 18 years complete for females, and 25 years complete for males. This provision will be in conformity with ancient Sastras and modern science. It will remove from the bill the difficulty in matters connected with guardianship; it will give the parties ample time to study and to grow strong, and, thus, it will arrest the deterioration of the race. It behoves us 'to keep the future generations in hail', and not to bequeath them 'tumbled houses'.

We are fortified in our position by the opinion of Dr. C. Ramunni Menon. No one will accuse him of being a visionary; he is practical to the core. And his knowledge and experience invest his opinion with a respect which it is idle to deny.

Further, in adding a proviso like this, the legislature will not be making any wide departure from the existing practice. Even if it did, I would still maintain my position; for, I hold with Professor Jevons that "it is futile to attempt to uphold, in regard to social legislature, any theory of eternal fixed principles or abstract rights. The whole matter becomes a complex calculus of good and evil".

On the second point, I am for having a record of marriages, and would like to see the inclusion of, at least, the under-mentioned sections in the Draft Bill:—

"It shall not be obligatory to have a written record of marriage; but, if the parties to the marriage so desire, a certificate of marriage, in the form prescribed in the schedule to this Regulation, signed and verified by the husband and wife, or their guardians in the case of minors, (—this, in case the age limit is not accepted by the Sirkar) and three witnesses present at the ceremony, may be presented to the Registrar within whose jurisdiction the marriage takes place, by the parties or their vakils, within one month from the date of marriage; and such certificate shall be filed in the Registrar's office, and copies of which may be obtained by the parties on payment of copying fees.

A certificate of marriages performed previous to the passing of this Regulation and subsisting at the time, in the form prescribed but signed and verified only by the parties to such marriages, may, within one year from the date of the coming into force of this Regulation, be presented by the parties or their vakils to the Registrar within the limits of whose jurisdiction the parties or either of them reside or resides, and the Registrar shall file the same in his office.

The Parvathiakarans of villages, the Presidents of Village Panchayats, and the Kariakars of Sirkar temples shall be ex-officio Registrars of marriages. Every Marriage Registrar shall maintain a register of marriages in which particulars of all marriages shall be entered on presentation of the certificate of marriage. Such register shall be open to the inspection of the Diwan Peishkar, the Superintendent of Devaswams, or the Tahsildar of the Taluk in which the marriage takes place. The Registrar shall, for purposes of this Regulation, be subordinate to these officers. The Marriage Registrar shall, for publication in the Cochin Government Gazette, send a weekly statistical return of marriages within the jurisdiction to the Superintendent of the Government Press in the form prescribed in the schedule to this Regulation, and the Superintendent shall have the same published in the Gazette".

It is gratifying to me that mine is not, virtually, a dissentient report. For, in 'the Diary of the meeting of the Committee', held on 30th Mithunam 1093, I find the following minutes recorded:—

"Mr. Krishna Menon suggested for consideration the fixing of the marriageable age of males and females, and the members are unanimously of opinion that the respective ages for males and females be not below 25 and 18".

While, on the other subject, the sections quoted above are contained in the Draft Bill originally prepared and passed by the Committee. To these I have only added the words "the Presidents of the Village Panchayats and the Kariakars of Sirkar temples".

(Signed) T. K. KRISHNA MENON.

STATISTICAL STATEMENTS.

I. Statement of Nair tarawads in the State.

Taluk	Below 15	Between						Above Rs. 1,000	Total
		15-30	30-50	50-100	100-300	300-500	500-1,000		
Cochin-Kanayannur	1,998	152	65	51	37	6	1	4	2,314
Cranganur	806	31	19	15	10	1	...	...	882
Mukundapuram	2,365	139	60	38	25	6	1	2	2,636
Trichur	2,946	117	59	45	21	2	1	...	3,191
Talapilly	3,864	189	108	116	82	16	8	4	4,387
Chittur	580	8	28	28	38	11	5	7	700
Grand total	12,059	636	334	293	213	42	16	17	18,610

II.

Centres	No. of villages	No. of villages from which witnesses were cited	No. from which witnesses appeared	No. of villages where Nair houses are nil or where there are no competent witnesses according to the Revenue authorities
Cochin-Kanayannur	37	24	19	13
Cranganur	5	5	4	1
Mukundapuram	60	30	21	30
Trichur	72	32	22	40
Talapilly	74	51	41	23
Chittur	25	10	9	15*

*No Nair houses.

III. List of viva voce witnesses.

Centre	No. cited	No. appeared	No. examined	Joint answers	Percentage	Voluntary witnesses
Ernakulam	145	74*	60	8	47	1
Trichur	127	58	58	25	65	1
Kunnankulam	38	21	21	...	64	1
Wadakkanchery	42	24	23	1	57	2
Pashayannur	78	44	44	1	58	2
Cranganur	43	29	29	...	67	1
Irinjalakuda	46	25	25	3	60	2
Chalakudy	41	16	16	...	39	2
Chittur	58	24	24	...	41	13
Nemmara	29	25	24	...	83	3
Supplementary sittings at Ernakulam	23	2	2	3	22	...
Total	665	342	326	41	55	28

* All witnesses were not examined on the day they appeared for want of time, but they did not appear on the next day as desired.

IV. According to age of viva voce witnesses.

From 19 to 25	...	...	9
" 25 to 50	...	...	297
" 50 to 60	...	...	69
" 60 to 70	...	...	31
" 70 to 80	...	...	6
Total	...	...	352

V. Witnesses according to educational or property qualifications.

No.	Witnesses classified	Graduates			Non-graduates			Grand total		
		Interrogatories	V. V. W.		Interrogatories	V. V. W.				
			Karnavan	Anandaravan		Total	Karnavan		Anandaravan	Total
1 (a)	Government officers in actual service drawing Rs. 100 and above	11	5	12	28	1	1	1	3	31
(b)	Do. below Rs. 100	1	2	3	6	1	27	28	61	67
2	Pensioned officers	6	2	1	9	...	7	1	8	17
3	Vakils	11	1	21	33	...	11	7	18	51
4	Editors	...	...	...	...	1	2	2	5	5
5	Private school managers and teachers	...	1	...	1	...	1	1	2	3
6, 7	Gentlemen following other professions	2	1	...	3	1	6	3	10	13
7 (a)	Byots paying tax of Rs. 1,000 and above	...	...	...	...	...	12	14	26	26*
(b)	Do. 500 to below 1,000	...	...	...	...	...	17	9	26	26
(c)	Do. 300 to below 500	...	...	...	...	...	17	12	29	29
(d)	Do. 100 to below 300	...	...	...	...	...	49	24	73	73
(e)	Do. 50 to below 100	...	...	...	...	...	7	6	13	13
(f)	Do. below Rs. 50	...	...	...	...	...	18	15	33	33
(g)	Not having these particulars	1	...	...	1	35+39	2	...	37+39	36+39
8	Princes	5	...	...	5	2	...	...	2	7
9	Ladies	2	...	...	2	18	...	...	18	15
	Total	39	12	37	68	54+39	177	123	359+39	447+39 39=48

* 5 Nambudiries are included in this figure.

+ 39 and 2 under 7 (g) are those who joined the answers of others.

VI. Witnesses according to country.

Country	V. V. W.		Voluntary		Interrogatory		Remarks
	Cited	Examined	Applied	Examined	Cited	Answered.	
British Malabar	12	7	1	1	52	18	* This includes Cranganur Chief
Travancore	2	2	...	...	18	6
Cochin	651	317	28	27	65	49	
(a) Princes	...	...	...	...	25	5*
(b) Ladies	...	...	...	...	43	15
Total	665	326	29	28	208	91	

VII. Witnesses according to caste.

Caste	Viva voce witnesses			Vol. witnesses		Int. witnesses		Remarks
	Cited	Appeared	Examined	Applied	Examined	Cited	Answered	
1. a) Nairs	611	329	313	26	25	110	60	86 V. V. W. have also given answers along with others
(b) Ladies	...	...	...	...	...	48	15	
2. Namburies	40	7	7	1	1	5	3	8 V. V. W. do.
3. East Coast Brahmans	5	2	2	2	2	7	1	*7 are Cochin Princes
4. Kshatryas	5	1	1	...	...	26	8	
5. Samanthas and Anbalavasis	4	3	3	...	...	11	4	Marar included in (1)
6. Other castes	...	...	...	...	...	1	...	
Total	665	342	326	29	28	208	94	

N. B.—Voluntary Interrogatory answers 11. Critics 32.

VIII. According to qualifications.

Qualifications	V. V. W.		Voluntary		Interrogatory		Voluntary answers	Critics	Remarks
	Cited	Examined	Applied	Examined	Cited	Answered			
B. A's.	38	21	1	1	22	18	1	2	
B. L's.	29	25	2	2	55	17	...	3	
M. A's.	1	1	...	...	5	1	...	...
L. M. S.	1	1	...	...	2	2	...	1	
Total	69	48	3	3	84	38	1	6	

IX. For legalising marriage.

No.	Witnesses classified.	Graduates..			Non-graduates.			Grand total		
		Interrogatories	V. V. W.		Interrogatories	V. V. W.				
			Karanavans	Anandaravans		Total	Karanavans		Anandaravans	Total
1(a)	Government officers in actual service drawing Rs. 100 and above	9	6	11	26	1	1	1	3	29
(b)	Do. below Rs. 100	1	2	3	6	1	29	31	60	66
2	Pensioners	4	2	1	7	...	7	1	8	15
3	Vakils	11	1	22	34	1	11	6	17	51
4	Editors	...	...	...	...	1	2	2	5	5
5	Private school managers and teachers	...	1	...	1	...	1	1	2	3
6	Gentlemen following other professions	2	...	...	2	1	4	3	8	10
7(a)	Ryots paying tax of Rs. 1,000 and above	...	...	...	...	...	9	11	20	20
(b)	Do. 500 to below 1,000	...	...	...	...	...	9	8	17	17
(c)	Do. 300 do 500	...	...	...	...	...	16	10	26	26
(d)	Do. 100 do 300	...	...	...	...	...	27	22	59	59
(e)	Do. 50 do 100	...	...	...	...	...	5	6	11	11
(f)	Do. below Rs. 50	...	...	...	...	...	16	11	27	27
(g)	Not having these particulars	...	...	...	...	27	...	...	27	27
8	Princes	1	...	...	1	3	...	...	3	4
9	Ladies	1	...	...	1	10	...	...	10	11
	Total	29	12	37	78	44	146	113	303	381

X. Against legalising marriage.

No.	Witnesses classified	Graduates			Non-graduates				
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total
			Karanavans	Anandaravans			Karanavans	Anandaravans	
1 (a)	Government officers in actual service drawing Rs. 100 and above	1	...	...	1	...	...	...
(b)	Do. below Rs. 100	...	...	...	...	...	1	1
2	Pensioners	...	...	...	...	...	...	...
3	Vakils	...	...	...	...	...	...	...
4	Editors	...	...	...	...	...	...	...
5	Private school managers and teachers.	...	...	...	...	...	...	...
6	Gentlemen following other professions	...	...	...	...	...	...	...
7 (a)	Ryots paying tax of Rs. 1,000 and above	...	...	...	...	3	2	5
(b)	Do. 500 to below 1,000	...	...	...	...	5	...	5
(c)	Do. 300 " 500	...	...	...	...	...	1	1
(d)	Do. 100 " 300	...	...	...	...	7	1	8
(e)	Do. 50 " 100	...	...	...	...	2	...	2
(f)	Do. below Rs. 50	...	...	...	...	2	3	5
(g)	Not having these particulars	...	...	...	...	9	...	9
8	Princes	8	...	...	8	...	...	...
9	Ladies	...	...	...	1	...	...	1
	Total	4	4	10	19	8	37

XI. For Thavazhi partition.

No.	Witnesses classified.	Graduates.			Non-graduates.				
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total
			Karanavans	Anandaravans			Karanavans	Anandaravans	
1 (a)	Government officers in actual service drawing Rs. 100 and above	7	8	9	19	1	...	1	2
(b)	Do. below Rs. 100	...	...	...	...	1	19	25	45
2	Pensioned officers	3	2	1	6	...	4	1	5
3	Vakils	2	1	18	21	...	6	4	12
4	Editors of newspapers	...	...	...	...	...	1	1	2
5	Private school managers and teachers.	...	1	...	1	...	1	1	2
6	Gentlemen following other professions	1	1	...	2	1	2	2	5
7 (a)	Ryots paying tax of Rs. 1,000 and above	...	...	...	...	...	8	5	6
(b)	Do. 500 to below 1,000	...	...	...	...	...	11	10	21
(c)	Do. 300 " 500	...	...	...	...	...	14	6	20
(d)	Do. 100 " 300	...	...	...	...	...	25	17	43
(e)	Do. 50 " 100	...	...	...	...	...	8	4	7
(f)	Do. below Rs. 50	...	...	...	...	...	18	6	19
(g)	Not having these particulars	1	...	...	1	13	...	...	18
8	Princes	1	...	...	1	1	...	...	1
9	Ladies	...	...	...	...	7	...	...	7
	Total	18	10	30	56	24	105	83	212

N. B.—Out of this 270 witnesses in favour of thavazhi partition, 12 witnesses say that individual is also good.

XII. For individual partition.

No.	Witnesses classified	Graduates.			Non-graduates.			Grand total	
		Interrogatories	V. V. W.		Interrogatories	V. V. W.			
			Karanavans	Anandaravans		Karanavans	Anandaravans		
1(a)	Government officers in actual service drawing Rs. 100 and above	2	...	1	3	1	...	1	4
(b)	Do. below Rs. 100	...	...	1	1	6	4	10	11
2	Pensioned officers	1	...	...	1	3	...	3	4
3	Vakils	7	...	2	9	2	2	4	13
4	Editors	...	...	...	...	...	...	...	...
5	Private school managers and teachers	...	...	...	...	...	...	...	...
	Gentlemen following other professions	...	...	...	...	1	...	1	1
7(a)	Ryots paying tax of Rs. 1,000 & above	...	...	...	...	1	2	3	3
(b)	Do. 500 to below 1,000	...	...	...	...	1	1	2	2
(c)	Do. 300 " 500	...	...	...	...	2	2	2	2
(d)	Do. 100 " 300	...	...	...	...	10	5	15	15
(e)	Do. 50 " 100	...	...	...	...	2	...	2	2
(f)	Do. below Rs. 50	...	...	...	...	1	2	3	3
(g)	Not having these particulars	...	...	...	2	...	...	2	2
8	Ladies	1	...	...	1	...	...	1	2
9	Princes	...	...	...	...	...	...	...	...
	Total	11	...	4	15	3	28	18	49

N. B.—12 more witnesses say that individual partition is good. Vide previous statement.

XIII. For allotment for maintenance.

Witnesses classified	Graduates.			Non-graduates.			Grand total
	Interrogatories	V. V. W.		Interrogatories	V. V. W.		
		Karanavans	Anandaravans		Karanavans	Anandaravans	
(a)	Government officers in actual service drawing Rs. 100 and above	1	2	2	...	...	5
(b)	Do. below Rs. 100	...	...	...	...	3	3
	Pensioned officers	...	...	1	...	...	2
	Vakils	...	...	1	...	1	2
	Editors	...	...	...	1	...	2
	Private school managers and teachers	...	...	...	...	...	...
	Gentlemen following other professions	1	...	...	...	...	1
7(a)	Ryots paying tax of Rs. 1,000 and above	...	...	...	...	3	4
(b)	Do. 500 to below 1,000	...	...	...	...	3	1
(c)	Do. 300 " 500	...	...	...	...	1	1
(d)	Do. 100 " 300	...	...	...	...	5	2
(e)	Do. 50 " 100	...	...	...	...	1	1
(f)	Do. below Rs. 50	...	...	...	...	1	2
(g)	Not having these particulars	...	...	...	3	...	3
	Princes	...	...	...	1	...	1
	Ladies	...	...	...	3	...	3
	Total	2	2	3	7	3	16
		2	2	3	7	3	12
		...	...	...	...	...	36
		...	...	...	...	...	43

XIV. Against partition.

No.	Witnesses classified.	Graduates.				Non-graduates.				Grand total
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total	
			Karanavans	Anandaravans			Karanavans	Anandaravans		
1 (a)	Government officers in actual service drawing Rs. 100 and above ...	...	...	...	...	...	...	...	...
(b)	Do. below Rs. 100 ...	...	...	...	...	...	...	...	...
2	Pensioners ...	...	...	...	...	...	...	...	...
3	Vakils ...	3	...	...	...	...	1	3	6
4	Editors ...	...	...	...	...	...	1	1	1
5	Private school managers and teachers ...	...	...	...	...	...	...	...	...
6	Gentlemen following other professions ...	...	...	...	...	...	...	...	...
7 (a)	Ryots paying tax of Rs. 1,000 and above ...	...	...	...	...	1	1	2	2
(a)	Do. 500 to below 1,000 ...	...	...	...	...	...	...	...	...
(b)	Do. 800 " 500 ...	...	...	...	...	2	1	3	3
(c)	Do. 100 " 800 ...	...	...	...	...	2	...	2	2
(d)	Do. 50 " 100 ...	...	...	...	...	2	...	2	2
(e)	Do. below 50 ...	...	...	...	...	3	2	5	5
(g)	Not having these particulars ...	...	...	...	15	...	...	15	15
8	Princes ...	3	...	...	...	...	...	...	3
8	Ladies ...	...	...	...	1	...	...	1	1
	Total ...	6	...	...	6	16	9	49	48

XV. In favour of inheritance.

No.	Witnesses classified.	Graduates.				Non-graduates.				Grand total
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total	
			Karanavans	Anandaravans			Karanavans	Anandaravans		
1 (a)	Government officers in actual service drawing Rs. 100 and above ...	9	5	12	26	1	1	1	3	29
(b)	Do. below Rs. 100 ...	1	2	3	6	1	25	33	9	65
2	Pensioned officers ...	5	2	1	8	...	7	1	8	16
3	Vakils ...	11	1	21	33	...	10	6	6	49
4	Editors ...	...	...	...	...	1	2	2	5	6
5	Private school managers and teachers ...	...	1	...	1	...	1	1	2	3
6	Gentlemen following other professions ...	2	...	...	2	1	4	8	8	10
7 (a)	Ryots paying tax of Rs. 1,000 and above ...	...	...	...	...	...	10	9	19	19
(b)	Do. 500 to below 1,000 ...	...	...	...	...	...	15	9	24	24
(c)	Do. 800 to below 500 ...	...	...	...	...	...	16	10	26	26
(d)	Do. 100 to below 800 ...	...	...	...	...	...	45	22	67	67
(e)	Do. 50 to below 100 ...	...	...	...	...	...	6	6	12	12
(f)	Do. below 50 ...	...	...	...	...	...	17	10	27	17
(g)	Not having these particular ...	1	...	...	1	31	...	...	81	32
8	Princes ...	3	...	...	3	1	...	...	1	4
8	Ladies ...	1	...	...	1	11	...	...	11	12
	Total ...	38	11	37	81	47	169	118	319	400

XVII. In favour of inheritance in the case of Non-Nair husbands.

No.	Witnesses classified.	Graduates.				Non-graduates.				Grand total
		Interrogatories	V. V. W.		Total	Interrogatories	V. V. W.		Total	
			Karanavans	Anandaravans			Anandaravans	Karanavans		
1 (a)	Government officers in actual service drawing Rs. 100 and above	...	2	9	11	...	1	...	1	13
b)	Do. below Rs. 100	...	...	2	2	...	22	24	46	48
2	Pensioned officers	...	2	1	3	...	4	1	5	8
3	Vakils	...	...	8	8	...	11	5	16	24
4	Editors	...	...	...	...	...	2	1	3	3
5	Private school managers and teachers.	...	1	...	1	...	1	...	1	2
6	Gentlemen following other professions	...	1	...	1	...	5	2	7	8
7 (a)	Ryots paying tax of Rs. 1,000 and above	...	...	...	...	...	9	9	18	18
(b)	Do. 500 to below Rs. 1,000.	...	...	...	...	...	13	6	19	19
(c)	Do. 300 " 500	...	...	...	...	...	12	7	19	19
(d)	Do. 100 " 300	...	...	...	...	...	30	17	47	47
(e)	Do. 50 " 100	...	...	...	...	...	1	3	4	4
(f)	Do. below Rs. 50	...	...	...	...	...	14	9	23	23
	Total	...	6	20	26	...	125	84	209	295

XVII. Taravads taking only high caste men as husbands.

COCHIN-KANAYANNUR TALUK

1.	Blavelil Kartha	...	...	Mulavukad
2.	Thuruthikat Kartha	...	...	Narakkal
3.	Muttathil Kartha	...	...
4.	Thattapurakkal Kartha	...	...	Nayarambalam
5.	Aykkara	...	...
6.	Gopurapillil	...	...	Edavanakad
7.	Kaivilakkil	...	...
8.	Kollat	...	...	Kushupilly
9.	Nediyedath	...	...
10.	Chanthur	...	...	Pallipuram
11.	Palam	...	...
12.	Vallath	...	...	Chennamangalam
13.	Marakkal	...	...
14.	Moolayil	...	...	Kaipattur
15.	Manapilli	...	...
16.	Ezhumayil	...	...	Edakattuvayal
17.	Kalkuthiyil	...	...
18.	Parathuruthil	...	...	Amballur
19.	Vellakkat	...	...
20.	Nammanuari	...	...	Mulanthuruthi
21.	Cheranellur Kartha	...	...
22.	Kaipravur Kartha	...	...	Chowerah
23.	Oorapra Kartha	...	...

MUKUNDAPURAM TALUK.

1.	Alayath House	...	...	Kakkulisseri
2.	Elankooty Kaimal	...	...	Vadama
3.	Nanthikkara Panicker	...	...	Irinjalakuda
4.	Cankaranandath	...	...	Parappukara
5.	Chankarankotha	...	...	Thottipal
6.	Kanjiraparambath Kartha	...	...	Kodakara
7.	Kuruchiyam	...	...
8.	Maliyakal Kartha	...	...	Nammanikara
9.	Kunnatheri Kartha	...	...	Nellayi
10.	Kodasseri Kartha	...	...	K. Chalakudy

TRICHUR TALUK.

1.	Kopparambil Nambiyar	...	...	Avinisseri
2.	Vakkaparambu Madhom	...	...	Vallachira
3.	Ayichil house	...	...	Ooragam
4.	Matathipat house	...	...	Inchamudi
5.	Kodamkandath Kaimal	...	...	Manalur
6.	Velloor Kaimal	...	...
7.	Pothani Kaimal	...	...	Koorkancheru
8.	Panamukku-Maliyakal Kartha	...	...
9.	Pandarathil	...	...	Trichur
10.	Thenguncheri	...	...	Vilvattam]
11.	Nambidi vedu	...	...

GRANGANUR TALUK.

1.	Agramala Panicker	...	...	Lokamaleswaram
2.	Valappil Menon	...	...

TALAPILLY TALUK.			
1.	Kelath house	...	Wadakocheerri
2.	Paliam	...	Mullurkara
3.	Parathikat Nair's house	...	Pynkelam
4.	Pacakulangara house	...	Mnatir
5.	Kinstumkara house	...	Thiruvilwamala
6.	Kurumanangad house	...	
CHITTUR TALUK.			
1.	Ayyan veedu	...	Tattamangalam
2.	Kodakara family	...	Aylur & Thiruvashiyad villages

XVIII. Statement showing the number and results of suits filed by Nairs for 10 years ending with 1092.

Nature of suits	Decreed in whole	Decreed in part	Recessed	Dismissed	Struck off	Abated	Withdrawn or transferred	Pending	Total
Cancellation of alienation	14	...	18	23	1	1	..	7	64
Removal of karavans	13	...	8	16	1	3	...	7	47
Maintenance allotment	33	23	25	23	3	...	4	5	121
Total	59	23	51	67	5	4	4	19	232

XIX.

	Whether claimants or executants	Nature, number and value of documents.							
		Sale		Mortgage with possession		Mortgage without possession		Total	
		Number	Value Rs.	Number	Value Rs.	Number	Value Rs.	Number	Value Rs.
Nairs	Claimants	3,376	17,07,665	1,008	7,35,375	4,409	18,20,060	8,793	42,68,100
	Executants	2,874	19,44,946	1,125	6,75,928	4,010	17,98,234	9,009	44,19,108
Brahmans	Claimants	1,140	10,82,753	440	4,52,438	2,384	15,44,381	3,964	80,79,572
	Executants	916	10,17,429	388	3,26,111	708	6,38,665	2,605	19,82,208
Christians	Claimants	5,061	20,85,885	1,202	4,50,203	5,575	17,94,747	11,838	42,80,835
	Executants	4,771	20,26,823	1,108	6,45,410	5,513	22,36,950	11,392	49,09,063
Ezhuvas	Claimants	2,397	7,06,627	415	2,31,121	1,834	4,28,16	4,676	18,65,912
	Executants	2,950	7,95,498	649	3,19,370	4,057	8,91,502	7,656	20,06,370

XX. Statement showing the number of deeds of partition, Maintenance allotment and gift to children.

Year	No. of partition deeds	Allotment for maintenance	Gift to children
1083	193	5	4
1084	175	3	5
1085	162	3	11
1086	229	6	6
1087	231	3	8
1088	265	4	11
1089	218	9	13
1090	240	4	8
1091	328	5	6
1092	301	8	13

XXI. Statement showing the number of Wills.

Year	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092
No. of wills	49	41	39	53	64	68	87	64	73	89

APPENDIX I.

MEMORANDUM BY MR. K. P. PADMANABHA MENON.

IN the earliest stage of society the relation between the sexes was of the loosest description. From a careful study of the laws and legends of ancient societies, which always bear traces of a very remote past, and the observation of the present condition of savage people, which represents a past stage of social progress, Sir John Lubbock has shown that marriage, as we understand it, was unknown to primitive man, and that the earlier notions about it were very different from those prevailing in advanced society. "Marriage and the relationship of a child to its father and mother", says Sir John Lubbock, "seem to us so natural and obvious, that we are apt to look on them as aboriginal and general to the human race. This, however, is very far from being the case. The lowest races have no institution of marriage; true love is almost unknown among them, and marriage in its lowest phase is by no means a matter of affection and companionship¹. He further observes, "Bachofen, Mc Lennan and Morgan, the most recent authors who have studied the subject, all agree that the primitive condition of man, socially, was one in which marriage did not exist, or, as we may perhaps for convenience call it, of communal marriage, where all men and women in a small community were regarded as equally married to one another²".

MARRIAGE.
Its Origin
and Evolu-
tion.

What is termed communal marriage here is really no marriage at all, but is only another name for promiscuous intercourse³. Later writers on the subject have not been able to see eye to eye with Lubbock or Mc Lennan in their view that either promiscuity or polyandry was the rule in early times⁴.

I have in my memorandum recorded as a member of the Travancore Marumakkathayam Committee (hereinafter called the Travancore Memo) referred to the various theories on the subject⁵.

How the institution of marriage was evolved out of the early stage of alleged promiscuity is explained by Spencer in his "Principles of Sociology"⁶.

Led away by the wild statements of globe-trotters and missionaries, specimens of which will be found extracted in Appendix I to the Malabar Marriage Commission Report, eminent lawyers and jurists, like the late Dr. Gurudas Bannerjee and others, have been induced to believe that the Malabar system of marriage is but little removed from promiscuity⁷. Whatever may have been the original condition of the relation of the sexes in Malabar, and it is not denied that polyandry prevailed to a large extent in early Malabar society as in others⁸, I have pointed out in my Travancore memo⁹ that, within the last two hundred years and odd, Nair society has advanced with rapid strides and that in the progress of evolution it has passed through several phases, those of promiscuity, polyandry and polygamy, and is proceeding steadily towards monogamy. The maternal family is silently giving way to the paternal, and that perhaps is the natural order of things⁹.

Marriage is first a practice, then that practice grows into a custom, and finally the custom passes into law. We have passed through the first stage and have been vegetating in the second for a long while. Our present attempt is to reach the final stage, and this requires the help of the legislature. Marriage as a duly recognised social institution does exist to a certain extent in Nair society at present, and the community looks upon it as a valid union. A large number of witnesses (346 witnesses) examined by us has testified to this. There are a few who have doubts as to its validity because the law does not recognise the tie and no rights and duties flow out of it and free divorce is allowed.

Mr. Wigram, sometime Civil Judge in Malabar, defines the Nair marriage as a "contract based on mutual consent and dissoluble at will". The incidents of Nair marriage

1. Origin of civilization, 3rd Ed., page 17.

2. Ibid, page 91.

3. Bachofen, Lubbock, Bastian, Lippert, Kohler, Post, Wilken, Engels, and Spencer, to a certain extent, support the theory, that man originally lived in a state of promiscuity. See also Fiske, Kulsher, Gomplovicz; Bevel, 'woman in the Past, Present and Future' page 9, cited by Westermarcke, page 51. Notes 1—2. History of Human Marriage.

4. Westermarcke. "Human History of Marriage" chapters IV & V, E. B. Taylor in the 'Nineteenth century and after' for July 1896, page 81.

5. Paras 5, 6 and 7.

6. Part III, Chapters III—VIII. See especially para 295.

7. Tagore Law Lectures on 'The Hindu Law of Marriage and Stridhanam' page 26, Ed. 1879.

8. See Travancore memo, paras 5 and 6.

9. Para 8.

appear to be almost identical with those of the newer Roman marriage by which, according to Sir Henry Maine, the relation of husband and wife became a voluntary conjugal society terminable at the pleasure of either party by divorce". This state of conjugal relation remained to the last the basis of the legal conception of marriage and to a certain extent colours even the Canon Law, founded though it be on a sacramental view of marriage. In ancient Rome as in Malabar divorce was free. "Notwithstanding, in Malabar as in Rome, we have bright examples of conjugal fidelity."

As observed by Westermarcke "a lawful marriage is indeed, quite a different thing from a marriage in the history sense of the term. The former which is contracted under the formalities and in accordance with the stipulations described by the written or unwritten laws of the country implies the recognition by society both of the validity of the union and the legitimacy of the children". In fact, what is sought for is that the State should recognise as legal and valid the customary forms, long recognised by society, by which the relationship of husband and wife is created in the Nair community. Marriage in the Nair community will then come to be recognised and treated as a contract the keeping of which is superintended by the State, and which may be dissolved only under certain stipulated forms and conditions prescribed by the State.

Necessity
for legisla-
tion.

But is there any necessity, at present, for the State to interfere and legislate on the subject? Is there a desire on the part of a majority of the community to be affected, for legislation? I may unhesitatingly answer this question in the affirmative. There can be no doubt that there is a growing sense in the community that the form of marriage known as *sambandham*, now recognised as valid by society, should also receive legal recognition. The memorialists who approached the Darbar with the draft bill referred to the Committee in a body desire legislation, and they are 1044 in number, representative of all classes of the Nair community in the State. Most, if not all, the rich and influential families in the State as well as a large number of the middle and many of the peasant classes are represented there. Almost all of those who have had the good fortune to secure a university degree here or elsewhere, are signatories of the memorial.

Of the 445 (V. V. W. 353; I. W. 92) witnesses examined by the Committee (and these do not include those who have signed joint statements presented by some of the witnesses examined), a few, very few only, would prefer to leave things in their old groove. Some, and their number is infinitesimal, think that social recognition is enough. There is, however, a very large majority who desire that the legislature should step in to regulate the social marriages by law, so that there may be no scope for outsiders to point the finger of scorn on Malayalees.

Social legi-
slation in
Malabar.

It was in British Malabar that the question was first taken up for enquiry and report and referred to a commission presided over by the late eminent Justice Sir T. Muthuswamy Iyer. The result of the inquiry was, indeed, disappointing to those who desired reform. Of the 322 persons who sent in answers to interrogatories, only 178 were in favour of marriage legislation². The learned President in para 13 of his memorandum observes:—"The third question is whether a majority of marumakkathayam Hindus desire legislation to regulate their social marriages, and the commissioners are unanimous in thinking that a very large majority desire no change in their usage". The minority that desired legislation was numerically small, its percentage being very low, about one in one hundred and fifty. It consisted, in the main, of the educated and official classes and of those who came within the sphere of their personal influence³. In spite of these circumstances, legislation was undertaken, as it was thought necessary to come to the aid of the intelligent minority⁴. The Act passed for this purpose sought to introduce into Malabar a statutory form of marriage. Seventeen years later the Hon'ble Mr. K. P. Raman Menon introduced a Bill in the Madras Legislative Council to legalise all marriages by recognising the customary *Sambandham* as legally valid, irrespective of its being registered, and the Government invited the opinion of those who were in a position to speak on the subject. A rough analysis, made by me, of these opinions, collected and published along with G. O. No. 504, Public, 31st March 1915, is by no means encouraging. Roughly speaking, 63 were for marriage, 30 against, and one neutral. Of the views reported by Rao Bahadur Vasu Menon, 9 were for validity of marriage, while 10 were against, and one neutral. It is surprising to find among the non-contents, gentlemen of high education, graduates in law and arts, men placed in high positions and otherwise, such as Deputy Collectors, Sub-Judges, High Court Vakils, etc.

1. Westermarcke, page 429.

2. Para 59. Malabar Marriage Commission Report. Of those whose answers to interrogatories are printed 64 were for marriage legislation and 27 against. See Appendix III.

3. *Ibid.*, para 14.

4. The Malabar Marriage Act IV of 1896.

In the meanwhile, in 1908 the Travancore Government set about an enquiry through a Committee, presided over by Mr. Justice A. Govinda Pillai, of the Travancore High Court, as to the desirability of the interference of the legislature in the matter of Nair Sambandhams, and, in reporting the result, the Committee observed, that "most of the witnesses examined (1021 in number) by us expressly say, that this is necessary. A few witnesses, who did not understand that there were difficulties in giving to the union the protection of the civil and penal laws, at first said that there was no necessity for a fresh law as the union was already valid. But when those difficulties were pointed out to them they agreed that legislation was necessary".¹

It is, indeed, very refreshing to find that we in Cochin, in spite of the statement of critic No. IX, Mr. Kavalapara Moopil Nair, that "Cochin partakes more of the character of Malabar than Travancore", approach the Travancore people in our ideas of moral advancement and desire for legislation regarding our social marriages, rather than stand aloof like our Malabar brethren.

The evidence taken by the Committee makes it clear that the natural feeling for one's wife and children has developed to a large extent. There is a growing sense of the family tie as between father and children. The rule is, that the union lasts for life. At any rate, it is so amongst the upper classes of Nair society where marriage in practice amply satisfies the definition adopted by Lord Penzance in *Hydo v. Hyde*, viz., "the voluntary union for life of one man and one woman, to the exclusion of all others". Divorces are extremely rare. Respectable people discountenance polygamy, and view the practice with undisguised contempt, and regard it as altogether immoral. Conjugal fidelity and self-sacrifice are generally admitted excellences in Nair women. The children observe death pollution for the father, if of the Nair caste, perform his funeral obsequies, observe Deeksha, and continue to perform the annual Sradha. The father is *de facto* the guardian of his wife and children, and educates the latter in many cases. The father makes ample provision during his life time for his wife and children. We read in the 'Cochin State Manual,' "though in theory the system of marriage and inheritance still remain unadulterated, in practice the tendency of the people has of late been to rise above the law. Among the better classes of people the practice of the wife living in her tarawad house and being visited there by her husband is becoming all but obsolete. The wife with her children now live with her husband and is maintained by him in his life time. He educates his sons and daughters and makes provision for their after life to the best of his means. The union of husband and wife is now looked upon as a live-long one and not as a fugitive one as in the old days. It is becoming more and more the fashion to inaugurate a Sambandham by the performance of a regular ceremony. Polyandry has become altogether extinct. It began to disappear with the establishment of British supremacy on this coast when arms ceased to be the sole profession of the Nairs. Polygamy though not unknown is looked upon with disfavour by the respectable classes. Even the Rajas and Chiefs do not in these days go in for more than one consort".²

"The union is generally effected" says Mr. L. K. Ananthakrishna Iyer, Superintendent of Ethnography, Cochin State, "with the mutual consent, but is terminable at the will of either party. Practically, a marriage thus effected, is, in the majority of instances, found as happy and enduring as others more formal and ceremonial".³

He further observes, "all or nearly all of them cling to one wife for life, and with them Sambandham is the real marriage, *de facto* and *de jure*. This is the real state of affairs in the States of Cochin and Travancore as well as in British Malabar. The present and growing tendency in all cases, in which a man, whether a Nambudiri or Nair, consorts with a Nair woman, is to look upon her, as the true wife, and the children of such unions are looked upon as theirs and duly provided for, so far as the means permit".⁴

Thus it is clear, that public opinion in the Nair community has been educated and brought up to the standard of requirements of modern civilisation, the promiscuity of savagery has passed into the polyandry of barbarism, and the polyandry of barbarism into the monogamy of civilisation. The sum total of the evidence adduced before the Committee shows distinctly that a marriage law in this State would simply legalise what is already the prevailing custom, and that the community as such desires legislation.

Courts of law have hitherto refused to recognise the Sambandham as legal, or, at any rate, as having a sanction more than merely social. Hence the necessity for legislative action. I have shown in para 10 of my Travancore memo, that the Madras High Court⁵ has more than once refused to recognise the legality of such unions. The majority of the

1. Para 14, Report of the Travancore Marumakkathayam Committee, page 8.

2. The Cochin State Manual, page 193.

3. The Cochin Tribes and Castes, Vol. II, page 32. See also Census Report of the Cochin State 1901, par I, page 160.

4. Ibid, page 86.

5. 4 M. H. C., page 196; T. L. R. 6; Madras 374; 7 M. H. C. page 879; 5 M. H. C., page 203.

members of the Malabar Marriage Commission have placed on record their deliberate opinion that "Marumakkathayam was and still is destitute of the institution of marriage". "The Nambudiries do not regard Sambandham as a valid marriage". Regarding mixed Sambandhams, the Malabar Marriage Commission Report observes that, whatever view may be taken as to Sambandhams among Nairs, it is difficult to see how the sexual connection between a Brahman male and Nair female can be characterised as anything better than concubinage.

The Commissioners were apparently unconscious of the observation of Sir James Fitz James Stephen, made in the Imperial Legislative Council, where he said, "My own opinion is, if a considerable body of men bound together by common opinions and known by a common name appeared to be in the habit of celebrating marriages according to forms and terms unobjectionable in themselves, the court ought to recognise such marriage as valid".

The Travancore High Court had to consider the question in a suit for maintenance by a Nair wife against a Nambudiri husband. The learned Judges were divided in their opinion as regards the legal effect of the union. Mr. Justice Padmanabha Iyer held it "not a valid marriage." Mr. Justice Govinda Pillai thought it "fit for legal recognition" while Mr. Justice Hunt was of opinion that "it is a matrimonial union recognised by custom in Travancore and acceptable to both Nambudiries and Nairs and is a valid marriage in law".

The Judges of the Chief Court of Cochin have not committed themselves to any opinion on the point, but it is certain that, if occasion arises, they are most likely to fall in with the view of their learned brethren of the High Courts of the neighbouring Provinces, because the law, customs and manners of the community inhabiting those Provinces are identical with those here.

Sir T. Muthuswamy Iyer, in his memorandum (para 15), observes, "I have considered also the question whether the courts are likely to recognise the existing social marriages as legal marriages and it is very doubtful that they will do so".

The evils that the marumakkathayam marriage system has worked in the Nair community are many and serious and have been fully set forth in the Malabar Marriage Commission Report, para 50, and need not detain us long here. I have pointed out some of these in para 30 of my Travancore Memo. Some immediate remedy for these crying evils is called for.

Under the circumstances therefore, (1) that, marriage as a social institution has been worked up to a high standard of morality though not universally, (2) that, the people entertain a strong and almost unanimous desire and make an insistent demand likely to be repeated year after year, (3) that, any action taken would simply legalise what is generally the already prevailing custom, (4) that, the courts have refused hitherto to recognise the union as legal, (5) that, it is not likely that the courts would recognise it in the future and (6) that, some speedy and immediate remedy should be found for the evils of the system that eat into the vitals of the community, one need not hesitate for a moment to recommend legislation on the subject, for, a marriage law is an important aid to national progress and good morals, and no civilised Government would refuse to grant the inherent personal right to contract a legal marriage. "It is not the policy of the Queen's Government in India", said Sir Henry Maine in 1886 in the Imperial Legislative Council, "to refuse the power of marriage to any of Her Majesty's subjects".

In their letter to the Government of India in connection with the Report of the Malabar Marriage Commission, the Madras Government observed, "His Excellency the Governor in Council is in favour of legislation as the only method of protecting the growth of an important and desirable social change and of counteracting the tendencies of the courts of law to a too restricted conservatism". In their reply the Government of India said, "They entirely agree with the Madras Government that legislation should be resorted to in order to give such (legal) effect to what is already recognised as a marriage in society among the classes concerned".

[Letter to the Secretary to the Government of India, Home Department, dated Ootacamund, 26th September 1892, No. 54, Legislative. And letter from the Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Calcutta, the 31st January, 1894, No. 112.]

1. Malabar Marriage Commission Report, para 50.

2. Ibid, para 43. See the evidence of the Nambudiri witnesses examined by the Committee, e. g., V. V. W. 115, 119, 161, etc.

3. § 20 T. L. R. page 65.

The necessity and expediency of legislation being thus evident, we have to consider the course that it should take. "The modern form of marriage", says Professor Holland, "possible only when the individuality of woman has received recognition is that of a mutual and voluntary conveyance, or dedication of the one to the other. This mutual conveyance has been very generally associated with some religious observances, and in modern times is, as a rule, valid only when performed in the manner prescribed and in the presence of officials recognised by the State. It is generally only permissible between persons who have attained a certain age, and who are outside certain degrees of relationship. The consent of parents or other guardians is also often necessary. The marital right is of course inalienable and incapable of waiver (except where divorce is sanctioned by law). It terminates on the death of one of the parties or their divorce".

What course legislation should take.

x x • x

"The right is infringed by abduction or harbouring of or by criminal intimacy with another man's wife; also by so injuring the wife as to deprive the husband of her services".¹

Any legislation would have to follow the lines herein indicated and in doing so we have to keep in view the particular practices and customs of the Nair community. As observed by the late Justice Muthuswamy Iyer, "if legislation is undertaken at all it must be on a popular basis and in a mode which interferes neither with caste nor with the immemorial law of inheritance, and sufficiently takes into account the habits of the people as regards the privacy of the women, and which does not force on them an elaborate system of judicial divorce contrived to meet the requirements of societies where the institution of marriage has prevailed for centuries and time has invested bonds of marriage with the highest possible tension".²

I have pointed out in para 25 of my Travancore Memo that in primitive societies marriages are contracted with no ceremonies whatever. Even to-day it is so in Burma. In a Privy Council case reported in 39 Cal. 492 at page 503, Lord Mac Naughten observes as follows:—"The law relating to marriage in Burma is extremely lax. No ceremony of any kind is essential. Mutual consent is all that is required. In the absence of direct proof, consent may be inferred from the conduct of the parties or established by reputation". Even in this extreme lax form the law has recognised Burmese marriages.

Forms of marriage.

Ceremonies of marriage.

The incidents of the Nair marriage are as already observed almost identical with those of Newer Rome. When the twelve tables were enacted (B. C. 449) a marriage could be contracted without any forms or ceremonies whatever by the sole consent of the parties (Studies in History and Jurisprudence, by Lord Bryce, page 386). The act whereby marriage was contracted was purely a private act. No intervention of any State official, no registration or other public record of any sort was required. The two parties only were deemed to be consulted. It was a purely civil act to which no religious or ecclesiastical rites were essential either in heathen or Christian times. It required no prescribed form. It consisted only in the reciprocally expressed consent of the parties which might be given in any words or be subsequently presumed from facts. "Marriage is contracted by consent only" is the invariable Roman maxim. (Ibid, page 393).

As for the varying practices in this State, see the observations of critic No. XIV, Mr. P. Narayana Menon, Third Presidency Magistrate, Madras, in his remarks on section 3 of the memorialists' draft Regulation. Mr. P. Chandu Menon's Malayalam novel "Induleka" translated into English by Mr. Dumergue, I. C. S., late Malayalam Translator to the Madras Government, gives us a fair idea of the practices current in the vicinity of the Cochin State where the scene of the story is laid by the author.

Any new regulation should purport to legalise the existing forms of social marriage so far as they are not opposed to good morals or to common sense. It is always desirable to have one form recognised as legal throughout the State. Society now recognise the Vasthradanam or cloth giving form as universal. In some instances the witnesses mention the presentation of rings in lieu of cloths. There are also instances given of the couple garlanding each other, or the bridegroom or his people making money presents to the bride or her people. In the Chittur Taluk the general practice is said to be the presentation of betel and scents. This is however followed almost invariably by presentation of cloths on the same or on a near day on which the bride is taken home. These are, however, the idiosyncrasies of particular persons or localities desirous of introducing innovations or keeping old-time customs. The presentation of cloth being almost invariable, I would recommend that the legislature should recognise the Vasthradanam ceremony now performed, openly and publicly in the presence of villagers, relatives and friends as the only form of signifying lawful wedlock

1. Jurisprudence, pages 151 and 152.

2. Para 15 of the President's Memo.

among Nairs, whether the bridegroom is a Nair or one belonging to a higher caste who is permitted by custom to marry a Nair woman. If, however, the legislature is not prescribing any one particular form it is necessary, as pointed out by Sir T. Muthuswamy Iyer, to describe the form as the one customary in the caste or class to which the woman belongs. It is necessary to describe it so in order that a Nambudiri Brahman or a male member of a kovilakom may contract a marriage under the Regulation if he chooses to do so; otherwise, there may be no form applicable to the case, as the Brahman or Kshatriya marriage ritual does not apply to a marriage with a Nair woman. This points to the necessity or at any rate, the desirability of prescribing a particular form in conformity with custom which would be applicable to all classes entitled to marry Nair women. (Memo, para 16, III.)

"The two primary objects to be secured by formalities in marriage are the prevention of hasty and inconsiderate marriages, and the removal of doubts as to the nature of the relation that is created", says Dr. Bannerjee. "In order to secure the former object", he continues, "in the absence of more rational modes, long established ceremonious forms cannot well be dispensed with. As has been well observed, ceremonies which strike the imagination serve to impress upon the mind the force and dignity of the contract; while their observance secures publicity to some extent, and affords some time for deliberation. As for the latter object, as was observed by Lord Brougham in *Warrender v. Warrender*: "The laws of each nation lay down the forms and solemnities, a compliance with which shall be deemed the only criterion of the intention to enter into the contract. Hindu Law has its prescribed forms, and if we hold the observance of those as optional, it would lead to loose forms of marriage, utterly subversive of morality, and there would be the greatest difficulty in distinguishing between concubinage and marriage".

The very simple form of presentation of cloth or ring effected sometimes almost secretly, (see critic No. XIV) at any rate with no religious solemnities accompanying, or with such publicity only as the occasion may afford, can scarcely "strike the imagination or serve to impress upon the mind the force and dignity of the contract." We have perhaps therefore to try to find out 'the more rational modes' hinted by Dr. Bannerjee. This leads us to the question of the desirability of registration of marriages.

Registration of marriages.

We may now consider the question whether it is necessary or expedient to maintain a public record of marriages. It would certainly be a safeguard against frauds. I have discussed the expediency of enforcing registration in my Travancore memo, para 39, and I have there come to the conclusion that the Malabar Marriage Act has wrecked on the undesirable form of registration therein prescribed.

There I have argued that registration of Nair marriages by Registrars of Assurances was not necessary. I had however pointed out the desirability of having some sort of public record. I must admit that I have since changed my opinion upon this matter. What I submit is that no statutory form of declaration by the parties before a Registrar is necessary. I, however, agree with I. W. No. 92, His Highness Prince Ravi Varmah, B. A. & B. L., a member of the Ruling House, and District Munsiff in the Madras Judicial service, that some sort of public record would obviate much mischief and inconvenience and his quotation from Mr. Frederic Harrison is quite apt. Mr. Harrison observes that in the absence of a public record, "the courts of justice would be involved in endless enquiries as to whether any legal marriage had been performed at all; what persons were legitimate; married or single, and what was competent record of any given wed-lock. The State has the highest possible interest in securing public formalities simple and notorious acts in law, such as cannot be mislaid or tampered with. Whatever else is done the State is bound to insist on some definite public uniform right or set of rights". "The State must have its own officials, its own distinct ceremony, its own national register and its own absolute record in its own keeping. With all these duly done and witnessed—valid unimpeachable marriage is concluded in the eye of the State and in the judgment of law; without this—no marriage, no legitimacy, no legal consequences from any pretended ceremony of marriage no citizen need in the eye of the law do more; but no citizen can be married with less".

As I have shown in my Travancore memo, it is more sentiment than anything else that weighs with our people against the idea of registration. Here again, the authority of Mr. Frederic Harrison cited by I. W. No. XCII may be quoted with advantage. Says Mr. Harrison, "It is an idle prejudice or an insolent pretention, to assert that submitting to this legal formality can offend conscience any more than an official certificate of birth or death. *Birth, marriage and death are events of which the interests of the public demand official registration and publicity*".² So I would say with the Prince that "In a matter in

1. Hindu Law of Marriage and Stridhana, page 104.

2. The italicized is mine. The Darbar has recognised this so far as Births and Deaths are concerned. See Regulation II of 1081.

which the family relations, proprietary rights, personal rights and duties are involved, I should think as sane men we must refuse to be sentimentalized".

But the learned Prince will pardon me when I say, that, as a sane man, I must refuse to think with him, that, when his 'friends' told him that their sentiment was too strong against registration, their "so called" conscientious objection was "pure, transparent hypocrisy". Much less would I impute mean or dishonourable motives to them. "The objectors know", says the Prince, "that, if registration is insisted on, the Cochin Nair Regulation will be another 'rediculous Mus', to quote the words of the 'Madras Mail.' I am afraid that in their anxiety to see the thing through they invented this specious plea of conscientious objections". "It was one of Mr. Gladstone's maxims", observes Viscount Morley in his 'Recollections', "That it is always best to be charitable in your views—especially in politics". Why should not the Prince be charitable, just, magnanimous, and to say the least, princely, to his *friends*? I pity the Prince more than his *friends*. Well may they exclaim "save us from this too too 'candid friend'". As for those who have the temerity to predict, that the Cochin Nair Regulation will be another 'rediculous Mus', I say "Mum is the word"—"Mum then, and no more". (Shakespeare—*Tempest* III—2—59.)

For my part I do not think it impossible to devise a means whereby the sentimental objection of our ladies to go before Marriage Registrars to make a statutory declaration may be met, and at the same time a public record be secured without in any way wounding their feelings. Towards this end I would venture to put forward the following suggestions:—

(1) Have the marriage entered in a register to be maintained by the authorities of the temple nearest the parties, the Sirkar providing the Register. No fee should be levied for registering. The parties should attach their signature to the entry in the Register and the fact should be attested to and verified by the authority keeping the book. Returns should be submitted by the temple authorities to the Diwan Peishkar, periodically, who should see the same published in the Sirkar Gazette. The Register should be subject to inspection by the Tahsildar of the Taluk in which the temple is situated. The parties should be allowed to take attested copies if they so desire, on payment of a small copying fee. If it can be so arranged that the ceremony itself takes place in the presence of the God of the temple, or, the plighting of the troth takes place before the God, there will be some sort of religious sanction also.

(2) The Parvathiakaran or the President of the Village Panchayat may be appointed Registrar of Marriages and it should be made obligatory on the parties to a marriage to give information to the Registrar in writing signed and verified by the parties and attested by two respectable witnesses of the locality who were present at the ceremony; Inspection as above.

(3) Again, Registration by the Registrar of Assurances, if thought necessary, may be effected without the trouble and expense attending the registration of conveyances before a Registrar by parties not appearing in his office, if the Sirkar would direct the Registrar to file in his office certificates of marriage signed and verified by the husband and wife and two or three witnesses who are present at the ceremony. Precedent for such a form of registration of marriages is furnished by the rules framed with the sanction of the British Government for regulating the marriages of certain castes at Ahendabad and Kaira districts, one of such rules being, that every betrothal or marriage shall be reported to the Talati for Registration without fee.¹

What is suggested is, that, there should be maintained a public record of all marriages just as a record of births and deaths is now maintained under Regulation II of 1081, and not that the marriage contract should be registered by the Registrar of Assurances like any other document. I had in clauses 4 and 5 of the Draft Bill prepared by me for the consideration of the Committee and which formed the basis of discussion made the proposals contained in clauses 4 and 5 of the Bill as originally prepared by the Committee making, however, the filing of marriage certificate compulsory. I would by virtue of the retrospective effect of section 3 of the Bill hold all marriages legal, and I would in the case of future marriages make the filing of marriage certificates compulsory. I would not insist on parties to past marriages getting their marriages entered in the marriage register, because it would not be possible to reach all those who fail to do so and visit them with the penalty prescribed. The Committee in considering the question came to the final conclusion that in either case the filing of a marriage certificate was not necessary. It is my misfortune that I could not agree with the majority of my colleagues.

In my memo of the 13th of Makaram 1094 I took occasion to point out that "Looking to the difficulty of proving the factum of marriage long after the event, with the

1. See Mr. Justice Kunjuraman Nair's Memo. Malabar Marriage Commission Report; also Sub-Judge Mr. K. V. Karunakara Menon's answer to question V.

possibility of the eye-witnesses being removed by death or otherwise, and the question of marriage or no marriage arising in distant countries in the case of interstatal marriages, I would make registration as suggested by me in sections 4 and 5 of my Draft Bill, compulsory. It will be seen that in such cases proof of consent of guardians especially will be a still more difficult matter".

The object of the new law is to attain both moral and material ends. We have attempted to attain the second by providing for civil rights incidental to marriage such as inheritance, maintenance, guardianship, partition and power of testation. To secure the first and the most important object, we have to see that all Sambandhams or marriages, existing now or contracted hereafter are legalised. It is for this purpose that section 3 has been given retrospective effect. The best proof of the factum of marriage is undoubtedly a public record. The Committee however thinks such a record not necessary¹ and leaves it to the parties to have one or not. In arriving at this conclusion, the report refers to the evidence of I. W. 22 and 27. The reasons urged are:—

- (1) The Malabar Marriage Act has wrecked on the question of registration.
- (2) The fact of marriage if denied may be proved like any other fact.
- (3) There is no registration or public record of Hindu and Mahomedan marriages.
- (4) There are several incidents connected with marriage which will afford proof of the fact.
- (5) The Travancore Regulation has no provision for registration or the keeping of a public record and no disputes have arisen.
- (6) It is desirable that our law should be on the lines of the Travancore Law, so that there is no practical difficulty met within the mutual application of the law of the two States when an understanding in some day or other arrived at by them.

As regards No. 1, the Malabar Marriage Act prescribes a statutory declaration to be made before the Registrar of Assurances by the parties which necessitates their presence before the Registrar, who, for aught we know, may be a non-caste man, and this is certainly against the instincts of the people, as pointed out by the Hon'ble Mr. K. P. Raman Menon. Further, the act has provisions for public notice and several other undesirable provisions such as are pointed out by Mr. Mannarghat Moopil Nair to His Excellency in Council recently. The failure of the Act is due to these cumulative causes. We here want only a certificate to be sent up to the Parvathiakaran for filing in his office. It will be his duty to keep a register of marriages. It may be remembered that at present births and deaths have to be reported and a statutory penalty is attached to failure to report.

As to No. 2, I have already made certain observations in my memo of the 13th Makaram which are quoted above.

As to No. 3, no doubt the Hindus do not maintain a record or register of their marriages. I do not know if the Hazis keep a register in the case of Mahomedans. The Christians have entries in their church accounts of dues received in the case of marriages performed in their churches, and in the case of civil marriages these have to be contracted before the Marriage Registrar who keeps a record. I believe that this is the rule throughout Europe. In France no marriages are recognised if the intervention of the Marriage Registrar is not sought. After the religious ceremony in the church follows the Civil Marriage before the public officer. It will be observed that in the case of Hindus there are ceremonies "which strike the imagination (and) serve to impress upon the mind the force and dignity of the contract". What I contend is that in the absence of such ceremonies in the case of the Nairs it would be well to have a certificate prepared at the time of marriage and forwarded to the Registrar. The formal preparation of such a certificate and the signing of it by the parties and witnesses publicly will, indeed, add to the solemnity of the occasion.

As to No. 4, some of these incidents are no doubt referred to by V. V. W. 8, but it will be remarked that no other witness speaks a word about them, and so we may take it that they are not universally observed. None of the witnesses examined at the various centres, except this one at Ernakulam, speaks to any customary incidents.

As to No. 5, I ask, why should we not take a step in advance of Travancore if we are satisfied that it is a step in the right direction? Are we not progressing, and what is the objection to improve on the Travancore Regulation? We have attempted to make improvements on the Travancore Regulation in the Bill proposed by us in other matters. Disputes have arisen in Travancore with regard to the factum of marriage in many cases and I have referred to the same in my memo of the 14th Makaram. See also I. W. XXXVII-L, 116.

1. Mr. Justice Sadasiva Iyer is strongly of opinion that marriages should be registered. See G. O. No. 584. The learned judge refers to the opinions of various others competent to form an opinion on the subject.

As to the 6th, it has to be admitted that we have departed from the lines of the Travancore Regulation in other important particulars, and there is no reason why we should stop short of this. I can assure the Committee that no practical difficulties would arise in the application of the law, under the circumstances contemplated, by our having a public record of marriages. On the other hand, as I have already observed, when cases arise in Travancore regarding a marriage performed in Cochin the fact of which is denied, such public record will be the best, if not conclusive, evidence of the fact.

If the filing of the marriage certificate is to be made compulsory I would enforce it by having a section in the Regulation attaching a penalty in case of failure to do so. The section may be as follows:—

“ The Marriage Registrar shall, with the previous sanction of the Diwan Peishkar, prosecute parties within his jurisdiction failing to get their marriage certificates filed in his office under section 4, and the parties so failing shall be liable to pay a fine of Rs. 15, and in default of payment, to simple imprisonment for a term not exceeding one month ”.

There are certain essential differences between marriage in Hindu law and the system of sexual union in Malabar recognised by society as marriage. Marriage in Hindu law is regarded not simply as a civil contract, but also as a sacrament, the only one necessary for Sudras and females. In Malabar it is a purely social institution, and no Nair, man or woman, is bound to enter into marital union on pain of losing caste. The relation of husband and wife is created by the better classes as in other civilised countries such as Scotland, France, etc., by a civil contract on the mutual consent of the parties. The informal contract so formed is, however, not recognised by law for the simple reason that marriage as an institution is not recognised by law in Malabar. A woman is not regarded in Hindu law as an active party in marriage. In fact, she is hardly regarded as a party at all. Marriage is viewed as a gift of the bride by her father or guardian to the bridegroom. The bride therefore is regarded more as the subject of the gift than as a party to the transaction except in the case of *Swayamwara*, reserved specially as a privilege, accorded in former days by kings to their favourite daughters, now absolutely out of vogue. The law also permits a female whose guardian has neglected to dispose of her in marriage to become herself a party to the matrimonial contract. In Malabar the bride is an active party to the contract and, as infant marriage is not insisted on, she may choose to remain unmarried till she attains discretion, or even prefer to lead an unmarried life. Even when the guardian arranges the marriage, her consent is essential and almost indispensable, for that forms the basis of the marital contract. Of course there are cases where her wishes are overborne by an imperious karanavan.

With regard to parties to the marriage contract, there are prohibitions and disqualifications generally prescribed by law, for which provision has to be made in the new Regulation.

These prohibitions resolve themselves into disqualification or prohibition by reason of:—

(1) Difference in caste, i. e., between sub-divisions of caste, or prohibition of inter-divisional marriages.

(2) Consanguinity and affinity.

(3) Age (a) of male, or (b) of female.

(4) Want of consent of guardians.

(5) Subsistence of former marriage of man or woman, i. e., Polygamy or Polyandry.

It will be observed that with regard to marriage the higher classes are hypergamous, while the lower ones are endogamous.

The selection of persons to be married is limited by two rules, viz:—that they may be chosen outside the family, and that they must be inside the caste. A Nair is absolutely prohibited from marrying any one in his maternal line however remote in degree, the test being whether the parties have community of pollution. A Nair family being purely maternal, but little account is taken of the paternal relatives except through mere personal sentiment or local usage.

Caste—Its
origin.

With regard to caste, there is this peculiarity, that while a Nair man can mate himself only with a woman of the Nair caste, of his own class, or of a class below his, a Nair woman can take a husband from a higher caste, i. e., Brahman, Kshatriya, as also from her own class or a class above hers. Marriage with a man of any class lower than her own is looked at askance by society. Such unions as described above are known as Anuloma and Prathiloma¹.

We have to see how far these restrictions can receive the support of the legislature. When they are merely conventional or sentimental, having no connection whatever with religion, I think they can be left alone to be adjusted by society. If, however, they are related to religion, even with the assumed attitude of neutrality, the Sirkar will have to protect them by law.

Let us look into the origin of these conventionalities, and see if we can detect any religious element in them. It will be found that they are in no way connected with religion, but that they are the legacy of the early unsettled state of society in Malabar in which the relations between the sexes were of the most fugitive description, and when the higher castes and classes with their wealth, influence and power, lorded it over the lower ones.

Generally speaking, caste in its origin may be said to be the result of conquest and subjugation. The conqueror reckoned the conquered as of a lower class, the one as slaves and the other as nobles. The Nambudiri Brahmans were the earliest colonisers and settlers in Kerala. They conquered the Dravidians, who had preceded them by several decades, more by the strength of their intellect, brain power and the sublimity of their religion, than by the might of their arms. They were able soon to organise a theocracy which ruled over the country for a long time. "The Aryan conquest and occupation," observes Mr. Sankara Menon in his Report on the Census of Cochin for the year 1911, "was complete here as elsewhere, but social results have been greatly dissimilar. In a sense, the non-Aryan Malayalees have been socially less affected by Aryan influences than the main cognate tribes of the same race elsewhere. The fact of the matriarchal family system alone shows that the Aryan influence was stronger in Kerala than elsewhere. The continuance of an archaic social system to modern times was rendered possible, and can be explained only by the Nambudiri dominance. By throwing on the subject classes, perhaps through interested motives, a large number of wifeless males, without any property which they may call their own, to shift for themselves as well as they may in a vital particular, the Nambudiri conquerors must be considered to have primarily contributed to the perpetuation of a primitive system of descent and inheritance among the conquered. The Nambudiries found this system admirably suited to their peculiar circumstances and urgent needs. The female element in the community must naturally have been limited".

The fundamental condition of the social union among the Nairs is based upon the supremacy of Nambudiries. In the days of their political supremacy the Nambudiri theocratical hierarchy recognised the power and influence of the local chieftains, and allowed them to continue in their government of localities over which they held their sway originally as Desavazhies and Naduvazhies. These are at present represented by the Karthavus, Kaimals, etc., who formed the aristocracy of the land, and those who were themselves Nairs soon learned to imitate the Nambudiries with whom their women consorted, and to assume a meaningless air of aristocratic arrogance which has no basis whatever either in religion or society.

Pretensions
of the Nair
aristocracy
and those
who imitate
them.

We have had instances of such assumption of superiority in some of the witnesses examined before us. Witness No. 286, a Karthavu of the Kodasseri family, does not know if he is a Nair, while No. 287, another member of the same family, tells us that in the old revenue accounts he has seen them described as Kaimals. Nos. 331 and 333 style themselves Karthavus and are said to hold the sthanam of Kotakara Nair. The Cheranellur Karthavu and his junior write to say that they are not Nairs and that they hold a theettooram or a Royal writ to evidence this. They have not, however, produced the writ. All the four, the two Kodakara Nairs and the two Cheranellur Karthavus, claim exemption from the provisions of the proposed Nair Regulation on the ground that they are not Nairs. These, as also some others of the same ilk, say that only Brahmans or Kshatriyas can consort with their females. In all social and religious matters, however, they conform to the ceremonies and observances of the Nairs. They observe the Kettukalliyam and the Sambandham, the tali tying marriage and the real wedding, they have Elayathus or a lower class of Nambudiries, to officiate as *purohit* at their Sradha ceremonies, observe death and birth pollution for the same number of days as the Nairs and have the Cheethikan or a low class Nair to officiate at the cremation of their dead relatives and the *bali* performed during the

1. Para 42, Travancore Memo
2. Introduction, page 10.

period of pollution. It is interesting to note that the 'Cochin Tribes and Castes' classes 'Karthas' as belonging to the *Illam* division of the Nair caste, and goes on to observe, that "among the old families in the Cochin State still possessing this title (of Kartha, for it is but a title), are Cheranellur Kartha near Ernakulam, Kodasseri Kartha near Chalakudi, and Kuzhupilli Kartha¹". The Kodakara Karthas on their own admission are styled *Nairs* and yet all these arrogate to themselves a step higher than Nairs. In these circumstances it is, indeed, refreshing to note that the Paliath Achen, who is the premier nobleman in the State, has not yet declared himself not to belong to the Nair community.

There is yet another class of men, happily not many, who, with no pretensions to belong to the aristocracy, when they attain a position of wealth and affluence, give up animal food, invite Nambudiries to consort with their women, maintain them at their expense, and arrogate to themselves class or caste superiority over their brethren. The aristocrats also pay these Nambudiries for their services. See V. V. W. No. 81.

It is these classes² who claim the privilege of Brahman alliances and they find parties in Nambudiri gentlemen. The East Coast Brahman is also sometimes in requisition. But as the Malabar Marriage Commission Report says, "They, like the Nambudiries, are very willing to lend themselves as 'consorts' for the ladies of the Nair aristocracy, but they are never accepted as such except when the services of a Nambudiri are not available" (para 19). Brahman alliances.

Now let us for a moment look into the propriety of these alliances. They are in this Kali age un-sastraic. Formerly, inter-marriage between persons of different castes was tolerated, though not approved, on the strength of a text of Manu.³ But a girl belonging to a different caste is prohibited from being taken in marriage by a Brahman specially in this Kali age. As I have dealt with this question somewhat fully in my Travancore memo, paras 51 to 56, I need not enlarge upon it here except to quote a few more authorities which were not available to me then. Propriety of Nair-Nambudiri sambandhams.

Manu deals with the marriage of Brahmans with females of other castes in Chapter 3, slokas 12 to 19. There the sage says, that the three twice-born castes should marry in their own caste, 'ധർമ്മം' for purposes of 'Dharma' (righteousness). If after this the Brahman so desires, he may marry in the next two castes below the Kshatriya, in the Vysia caste and the Vysia in the Sudra caste. The Sudra can marry only in his own caste. None of the three other castes, the Brahman being the highest of all, can marry above his own. The twice-born castes can marry no Sudra before marrying in their own caste. The Smrithies prohibit them.

In sloka 14 Manu ordains:—

“ നമ്പുവർണ്ണശത്രിയായോപവൃത്തിവിഹിതകൃതോഃ
കന്യാശ്ചിഹ്വേവൃത്താനന്തരമുദാഭായോപവൃത്തിതേ ”

See also Chapter 7 of Bhavashyat Purana. It may be noted here that it is almost always a scion of a Nambudiri house who has *not* married in his own caste that forms Sambandham with an aristocratic Nair lady, those who have married in their own caste being, for obvious reasons, not welcome unless no other can be had.

Manu further says that none of the Smrithies or Puranas authorise the marrying of a twice-born with a Sudra before he marries in his own caste, even if death, utter ruin of all his properties or absolute disaster stares him in his face.

“ ഉപവൃത്തം ക്ഷത്രിയാവിദ്വേഷം
വൈശ്യാണുശത്രിയോവിശാ
നതുശുഭാഭിജഃ കന്യാ
നാമഃ പുത്രവണ്ണജാം ”.

Vyasa, Chapter 2—Sloka II. See also Bhavashyat Purana, Chapter 7.

The Brahman may marry a Kshatriya and a Vysia girl, and the Kshatriya a Vysia girl. Of course these can marry in their own caste. None of the twice-born can marry a Sudra. A lower caste cannot marry in a higher one. So says Vyasa.

1. Page 18, Vol. II. See also page 15.
2. There are 54 families in the State returned as belonging to this class. See statement No. XVII.
3. Manu X—41.

Sankha deals with the subject in the 4th chapter of his Smrithi, slokas 6 to 13. What he says there is that sons should perform the *post obit* ceremonies of their father. If they do not perform these, there is no salvation for the souls of their fathers. If a Sudra performs such ceremonies for a twice born father their souls do not get salvation "തന്യാദസ്യപ്രയത്നേന ശുഭ്രായാമിവിർജ്ജയേൽ". "Therefore by all means and at all hazards, avoid marrying a Sudra wife". This means evidently, that even after a Brahman has married in his own caste, he should avoid marrying a Sudra wife.

“ അദ്വൈതേ ചിദാതീനാം ശുഭ്രാഭാവേ സംഗ്രഹേ
നൈകവരതേ യന്യാതത്രായം ജായതേപതഃ.”

Yangyavalkya, Chapter 1, sloka 56.

Yangyavalkya distinctly declares :—“ It has been said that twice-born men may marry Sudra women. This is not my opinion, since one procreates himself on his wife”.

The Bhavishyat Purana quotes instances of the consequence of the twice-born consorting with Sudra women.

“ ശുഭ്രാഭാവേ വ്യഗ്രയാതപതിതോത്രിഷ്ടവേഹ
ഉതത്യേ പുത്രജനനാൽ പതിതപദവാപുവാൻ
പുത്രസ്യപുത്രമാസാദ്യ ശരണകി ശുഭ്രതാഗതഃ
ഭഗവാദയോപ്യേവമേവ പതിതപദവാപുതഃ.”

Chapter 7, slokas 1—43.

The Rishi Atri became degraded as soon as he consorted with a Sudra woman Uthathyan became degraded only on the birth of a son. Sounaka managed to live on no degraded till he had a grandson. Similarly Bhrigu and others became degraded when they had grandsons. Here the term പതിതൻ (degraded) means Sudra.

The Parasara Smrithi which deals specially with ordinances applicable to the present Kali age says :—

“ യഃ കരോത്യേകരാത്രേണ വൃഷ്ടചീസേവനംചീജഃ
സരജേഷ്ടേഗ് ജപന്നിത്യം ത്രിദിവ്ദൈവ്യീശുദ്ധ്യതി.”

Chapter 10, sloka 7.

If any of the twice-born happens to consort with a Sudra woman by accident even be it for one single night, he should beg for his meals and repeat *Sahasravarthi* without fail for a period of three years continuously. Then only will the sin be expiated. V. V. witness No. 155 attempts to mitigate the rigour of this penalty, but has failed to cite any authority for his position. On the other hand, Sankara Smrithi, which the witness admits to be the prevailing authority governing the Nambudiries, repeats the ordinance of Parasara.

Perhaps the Nambudiri Brahmans may contend that the above Smrithics are not applicable to them, though they cannot uphold this contention consistently with the resolution passed at the 8th annual meeting of the Nambudiri Yogakshema Sabha at Olappanni Mana under the presidency of that great Sanskrit scholar Mahamahopadhyaya Killimangalath Manakkal Vasudevan Narayanan Namburipad, brother of witness No. 155. They cannot, however, repudiate the authority of Sankara Smrithi, 'Laghu Dharma Prakasika' Bharatha Vilasam Press, Trichur, composed by the world-renounced Vedantist Sankara chariyar, and what does Sankara ordain ?

In Kerala, the Brahman, the Kshatriya and the Vysia should not consort with a Sudra woman. If he comes to do so even by accident, be it for one single night, he should beg for his daily bread for three years and continue to repeat *Sahasravarthi* for the same period to expiate the sin.

“ ശുഭ്രാനാംഗജ്ഞാപിപ്രൊക്ഷരാജാവാരൈശ്ച ഏവവാ
വൃഷ്ടലൃം രമമാണോയ ദേകരാത്രേണസാധയേൽ
തൽദൈവ്യേ ഗ് ജപന്നിത്യം ത്രിദിവ്ദൈവ്യേ പരാന്ദദേൽ
കേരളേഷ്ടേഗ് ജപന്നിത്യം ത്രിദിവ്ദൈവ്യേ പരാന്ദദേൽ.”

The *Snathakas* of Kerala, i. e., those who did not marry in their caste and failed to enter the second of the *Asramas* prescribed for the Brahmans, the *Grhasthasramam*, pretended to misunderstand that Parasurama's ordinance and contend that the sage has sanctioned their consorting with Sudra women. The particle 'ഓപി' shows that there could be no such misunderstanding or mistake. *Snathakas* are enjoined to celibacy. Then, how could Rama sanction their association with Nair females ?

മാർഗ്ഗവസ്തുലൃജ്ഞാനം സ്തോതകാ ഓപിദൃസുരാഃ
ഭൃശ്യതേന ചതൽകപാവിഷ്ടൃതേചസദ്യഥാ

Chapter XI, Part 3, slokas 25, 26 and 27.

The Sankara Smrithi nowhere sanctions the Nambudiries consorting with Nair women. On the other hand, it expressly prohibits this.

“വിദ്വേഷപ്രകാരമാൽവനാം ധർമ്മാൽ പരിണയേച്ഛയും
കാരണ ക്ഷത്രിയാം വൈശ്യാം നരൂ ശൂദ്രാം കഠഞ്ചന.”

Chapter 3, part 3, Sl. 1, page 35.

A Brahman should marry only a Brahman girl for purposes of Dharma. He may marry a Kshatriya or Vysia for satisfying his carnal desires. But he should on no account marry a Sudra. The Nambudiries say that the Smrithi ordains that the eldest alone of the Nambudiri brothers should marry in the caste. That this is not correct I have shown by quotations from the Smrithi in my Travancore memo¹. The Smrithi no doubt says that the eldest should marry and perpetuate the lineage, that, on the failure of male issue by such marriage (he is permitted to marry 3 wives), the brothers should in turn marry and raise issue². It further enjoins that the brothers who do not marry should remain Snathakas, celibates. Rather than these be permitted to roam about sowing their wild oats broadcast, the Smrithi would have all the sons of the Nambudiri marry³. Only it does not insist on all the brothers marrying,⁴ with a view to keep the joint property from being divided and dissipated. If the brothers love each other and are desirous of marrying, it is best that they should be allowed to do so in order to perpetuate the family.⁵

Failing to find authority in the Sankara Smrithi, the Nambudiries and their adherents appeal to the Sanskrit work known as the *Keralamahatmyam*, a treatise hatched by some unknown hand and so without a sponsor. Its authorship is uncertain. Where and when it was written is not known. It has various versions.⁶ One version has recently been printed in 1912, by the Bharatavilasam Press, Trichur, with the imprimatur of the penultimate Zamorin, a reputed Sanskrit scholar. Sanskrit and Malayalam versions are said to be found in Nambudiri houses which differ considerably from the printed book⁷ and possibly from each other. The work has yet not been subjected to analysis and criticism like its companion, the *Aliyasanthana Kattu Kathala*, attributed to Bhutala Pandya, but I may be permitted to call the attention of the Darbar to the remarks I had occasion to make about it in paras 35 to 57 of my Travancore memo.

They find support in the Kerala Mahatmyam

“The book would be unworthy of notice”, observes the Malabar Marriage Commission Report, “were it not relied on as an authority by many champions of Marumakkathayam and were it not that it correctly exhibits the religious teaching of the Nambudiri priesthood even of the present day”. And what are its teachings? They may be gathered from the translation of extracts given by me in paras 53 and 54 of my Travancore memo⁸.

“In substance, chapters 48, 49 and 50 of the book contain a mythical account of how certain celestial damsels were brought from Indra’s world by Parasurama to satisfy the sexual cravings of the Kerala Brahmans, and it recites how Parasurama at Vrishabhadrī (Trichur) pronounced his commandment to the women, (not being of the Brahman caste), to satisfy the desires of Brahmans, enjoining upon them to put off chastity and the cloth which covered their breasts and declaring that promiscuous intercourse with them by three or four men in common was void of the least taint of sin” (para 34, Malabar Marriage Commission Report).

The teachings and doctrines of the Kerala Mahatmyam

This doctrine is emphasised by Ashtamurthi Namburipad in his evidence before the Malabar Marriage Commission printed as No. 8 in Appendix III of the Report. “This gentleman”, says the Report, “is one of the foremost Nambudiries in Malabar in respect of wealth, rank, sanctity and learning, and it will probably be allowed that there could be no better, or more candid, exponent of the orthodox doctrine. He says:—‘The Smrithi says, the Sudra’s appointed path to heaven is serving the Brahmans’. ‘The practice of Brahmans, Kshatriyas and Vysias having sexual intercourse with servile (Sudra) women is in accordance with the Sastras.’ If a Brahman wished to have sexual intercourse with a Sudra’s wife, the Sudra was bound to gratify the wish’. And again:—‘A Sudra cannot be sure of the true parentage of the children born of his wife. Hence the Sudras cannot follow the rule of Makkathayam’.

1. Paras 62 and 63.

2. Chapter II, Part I, slokas 16 and 17.

3. Chapter V, Part 3, slokas 7 to 9, page 85. Chapter VI, Part 2, slokas 11 to 13, page 99.

4. Chapter V, Part 3, sloka 4, page 81.

5. Ibid, slokas 5 and 6.

6. The Cochin Tribes and Castes, Vol. 2, pages 149 and 150.

7. See V. V, witness No. 155.

8. See also the whole of chapters 49 and 50 translated. Malabar Marriage Commission Report, Appendix III, pages 162 to 186.

This exposition based evidently on the teachings of the Kerala Mahatmyam, received the full support of the then Zamorin Maharaja Bahadur (Appendix III, No. I); of Ettan Thampuran of Patinjare Kovilagam, the penultimate Zamorin, a learned Sanskrit scholar (Appendix III, paper 5, answer II); of the Kolathur Warriar, a great landlord (paper 9, answers 22 and 23) and of several others of position in Malabar society.

Legallising
of samban-
dhams. Nam-
budiri wit-
nesses. Their
views.

We wanted very much to ascertain the views of the Nambudiris here on this and kindred subjects and invited the Nambudiri Yogakshema Sabha, as also individual Nambudiri gentlemen to give evidence. It is a matter of great regret that, as a body, they gave us wide berth. A few men of light and leading have, however, ventured to come forward with their independent views. These are few, very few, indeed, and they only make the darkness the more visible. Not even a dozen, only 10, out of 45 invited, responded to our invitation. Only 3 sent up answers to Interrogatories, though 8 were supplied with them and 8 appeared before the Committee for personal examination, one of whom was a voluntary witness. Of those examined, viva voce No. 115, Chengazhinellur Parameswaran Namburi, a wealthy landlord and karanavan of his illom, aged 64, and married to a Nair lady, says that "the Nairs think their union as valid marriage even if the husband is a Brahman; but the Brahman husband does not consider it so, though he ought to take it as valid". He adds that, "some do take it as valid". Witness No. 119, a younger member of his house, aged 26, who has Sambandham with an Ambalavasi lady, says that "Sambandham cannot be regarded as a valid union. It has come into use as a matter of convenience. Though in time the nature of the relationship has improved and assumed a proper position, it ought to be abolished. Only then could the caste system be preserved in its integrity. This irregular and immoral custom must be displaced by makkathayam marriages. This will remove all imperfections". Evidently this witness is decidedly against Nambudiri Brahmans having Sambandham with females of any other caste. Witness No. 161 is Wadakkancherry Valia Manakkal Valia Vasudevan Namburipad, aged 49, one of the richest landlords of the Talapilly Taluk. He is the managing anandaravan of the family and has Sambandham with a Nair lady. He thinks that "it will be hard (പ്രയാശം) if legislation is resorted to for legalising Nair Sambandhams. If the parties agree, it will be well for them to enter into a contract in case of breach of which the Sirkar should take notice of the breach and set things right. It is very necessary that the chastity of Nair females should be protected. There is no protection now". Witness No. 250 is Chittur Manakkal Narayanan Namburipad aged 63, the manager of his illom, which had at one time even political sway over certain parts of the State, and which at present possesses one of the richest estates in the country. He says that "the Sambandham of Nambudiri with a Nair female should be considered a valid marriage. The law should make it so. The custom of Nambudiries having Sambandham with Nair females should not be put a stop to. The law should permit Nambudiri husbands and their Nair wives to enter into contracts regarding divorce and inheritance. This should apply to Nair husbands and wives also". He had married a Nair lady, who is now dead, by whom he has two sons whom he got educated at his expense, sending one of them to England and the other to Bombay for their education. I understand that he has now married in his own caste, but continues to support his Nair children still. Chozhiath illath Madhavan Nambudiri, No. 230, aged 47, who has a Nair wife, agrees with the previous witness in thinking that Nambudiri alliances with Nair women should continue and that these should be validated in law. He is a voluntary witness.

Killimangalath Naduvath Vasudevan Thuppan Namburipad, witness No. 155, age 57, may be taken as an expert witness and exponent of the orthodox view. For he is admittedly by profession a teacher of Sastras, a Sanskrit scholar of note, brother of Mahamahopadhyaya Vasudevan Narayanan Namburipad, and has Sambandham with a Nair woman. He told the Committee that he had no responsibility whatever in the matter of getting the Sambandham of his daughter by his Nair wife celebrated, though he was present at the occasion, and witnessed the ceremony of presentation of cloth. He still felt no responsibility whatever. His Nair mate was of the family of one of his tenants. Nambudiries (generally), said he, have Sambandham in the families of their tenants; a very significant admission indeed. He does not regard alliance with Nair females as valid. "I do not know if the Nairs regard it as such. It is not proper for a twice-born Dwija, to consort with a Nair female. The Vedas, Smrithies and Sastras have prohibited such alliance. If they so consort, they have to perform Prayaschittam, penance. The penance prescribed is not hard. Sankara Smrithi is the prevailing authority for Kerala. I am one belonging to the Yogakshema Sabha. I shall in course of time communicate in writing my opinion on the pamphlet entitled 'a sinful practice' published as a supplement to the journal of the Sabha in 1091. (He has not yet done so). I agree with the thesis. It was written in consultation with me and several others. Legal recognition of the Sambandham is not necessary for the moral welfare of the Nairs. It is necessary for their secure and comfortable living, not for their material prosperity. Chastity is a necessary virtue for (all women). It is well for all that the parties to a Sambandham should enter into a registered karar, con-

tract x x. I was not present when Resolution No. 11 contained in the 8th annual report of the Yogakshema Sabha was passed. But I am in accord with it. I shall let you have in writing proper answers to the interrogatories in the course of a month. (He has not yet done so). I see there is difference between the printed version of the Keralamahatmyam and the old Grantha. The old manuscript has not been printed in full. There are portions omitted here and there. It was printed in the Barathavilasam Press in 1912. Out of chapters 47 and 48 and 49 I was requested to read, I have (now) read chapter 47. This is accepted as authority by Nambudiries. I am of opinion that it ought to be so accepted. It is not fit to be read in public". This he had to confess with the utmost reluctance. It could neither be read in the domestic circle, and this is the authority on which these 'Earth Gods' ¹ (Bhoodevans) 'the God compellers', as Mr. Logan styles them, rely to debauch the women of the Nair community.

For all this sorry stuff the witness has offered an explanation which fully discloses the extraordinary position the 'earth gods' claim. It runs thus:—"ഘൃശാപ്തം അധികമാ യിരിക്കുന്ന ജാതികൾ (ജനനമുള്ളവർ) ചെയ്യുന്നതിന്നു അലൗകികമായും ലൗകികമായും ചെയ്യുന്ന പ്രവൃത്തികളെ ഉദാഹരിക്കുവാൻ നമുക്കു ശേഷമില്ല."

"It is not in our power to account for the doings worldly or otherwise of persons of superhuman birth".

One may be pardoned if one doubts if the students of this *Guru*, this expositor of the Sastras, prefer his example to his precept or his precept to his example. It is however certain that the young Nambudiri student has always preferred the example of his *Guru* to his precept.

Nos. 352 and 353 hail from Tripunithura and they represent the signatories of the memorial submitted by the 'Mahajanam' (the great public) of Tripunithura to the Diwan, protesting vehemently against legislation regarding Nair marriages. The memorial bears 186 signatures, amongst whom we fail to find a single Nair though it claims to be the protest of the 'Mahajanam'. An analysis of the signatures shows that there are amongst them 53 Pattars or East Coast Brahmans, 30 Embrans or Canarese or Tulu Brahmans, 17 Thirupads and Thampanas or Malayalee Kshatriyas, and 65 Nambudiries, with three more undecipherable names. The evidence of witness Nos. 352 and 353 who are the 2nd and 34th signatories exposes the worthlessness of the representation. It appears to have been cooked up by certain interested persons and signatures obtained at random. The witnesses who pose themselves as representatives of the signatories have receded from the position taken up by the memorialists in their memorial in important particulars. After considerable hesitation and parrying, witness No. 352 has admitted the expediency of legalising marriage in the Nair community and the conferring of civil rights that flow from it. He has no objection to an optional law. He thinks that the courts ought to recognise the legality of the present Sambandhams. He is of opinion that Nambudiri fathers should maintain their children and their mother and that these should inherit a portion of their self-acquisitions. With reference to the memorial, he says that there was no meeting of the so-called Mahajanam held. The memorial was prepared in consultation with a majority of the signatories. The Nairs were not invited for consultation. He can't say if there are more than 200 Nairs resident in Tripunithura. He does not know how many Embrans are permanently residing there. Some of the Pattars belong to Pandy. Some of them have house and property here. There was no objection to Nairs being included in Mahajanam. That term only means some people.

Witness No. 353 who was present at the examination of his companion will be found to contradict him as well as the memorial. This witness informs us that the previous witness being an *Adhyan* never goes out of his home generally and therefore cannot have the direct knowledge that the witness has. In a way No. 352 himself admits this. No. 353 says that the Nairs regard their Sambandhams as valid. There should be legislation validating Sambandhams if the courts do not recognise them. He is for the wife and children inheriting some share of the Nambudiri husband's self-acquisition. With regard to the memorial, he tells us that the Pattars and Embrans and others who have signed it did so without properly understanding its contents. "These came there and signed it on seeing us signing".

Out of a number of Nambudiri gentlemen to whom interrogatories were sent, three have responded, and of these Mr. V. K. M. Damodaran Namburipad (I. W. LXI) sends a short statement saying that his experience tells him that if the law allows a share in the father's acquisitions to the children, where the father leaves no will behind him, the present troubles will be over and that he knows of no troubles on account of the present system of

1. Note.—'The Brahmans are the Gods of the very Gods'; 'the Brahmana is the foremost of Gods' Slokas 43 and 46, section 60 of the Rajadharmanusasana Parva of the Mahabharatha. Babu Pratap Chandra Ray's translation, pages 198 to 197.

marriage or of any other social difficulties. He adds that out of about 15,000 or so of Nambudiries, all told, if you take account of the children, the married, the old and those that are in ill-health, you would not find even two or three thousand who have Sambandham with Nair females in all British Malabar, Travancore and Cochin. He is sure that 75 per cent of the existing Nair tarawads owe their affluence to the wealth given them by the Nambudiries. The view held by some that evil results have followed from the alliance of a few Nambudiries with Nair females out of lakhs and lakhs of them is due to not understanding facts correctly or viewing them in their true light. He reserves to himself the right of expressing his views in detail after the Committee has reported and the revised Bill is published for criticism. He thinks it not proper to say anything more at this stage. It would only be necessary to give his opinion on matters of detail with which he could not agree. Here, I think, we have the reason why the Nambudiries in a body hold back. They are apparently waiting to see the Committee's Report and the revised Draft Bill to pick holes in them. The Yogakshema Sabha had appointed a Committee to report on the Draft Bill. The Committee has not apparently done anything, or their Report, if any, has not yet been published. I. W. No. 155 promised to give us further information on the point which has not been forthcoming till now. Evidently, the Nambudiries, as a class, are not inclined to assist the Committee with their views.

The next interrogatory witness is Mr. Neelacantan Namburipad, President of the Cherpu, Parlam, Pallipuram Village Panchayat (I. W. LXII). He says that Sambandham is not generally regarded as valid. Such union of Nair women whether with Nairs or higher caste men has at no time been regarded as valid. Even as it is, the majority of Sudra women are without husbands and the enactment of a law legalising marriages will result in the increase of such husbandless women. He is therefore of opinion that the law should not recognise Sambandham as legal.

The other interrogatory witness is Kanipayyur Sankaran Namburipad, (I. W. LXIV), the seconder of the 11th Resolution at the 8th Annual Meeting of the Yogakshema Sabha, condemning the custom of Nambudiries having Sambandham with other caste females as altogether unastraic and destructive to the welfare of the Nambudiri community. He is decidedly of opinion that Nambudiri marriage should be restricted to within the community and that alliances outside should be discouraged. He proposes that in cases of Nambudiri-Nair marriages, the husband should be mulct in the sum of Rs. 100 as fine to the Sirkar at the time the record of marriage is made, and it should further be enacted that the wife will not be entitled to a half share of the Nambudiri husband's self-acquisitions, but only to maintenance.

Such then is the reasoning and conclusion arrived at by not a few of the Nambudiri community. Witness No. 155 represents perhaps the ultra orthodox section, who thinks that there should be no alliance whatever with Nair females on the ground of Brahmans being prohibited by the Smrithies from marrying Sudra women though he himself has Sambandham with a Nair woman. With him may be associated interrogatory witness Kanipayyur Sankaran Namburipad, who proposes a penalty to such Nambudiries as would marry non-caste females. At the other end comes witness No. 115 who thinks that Sambandhams are now considered valid by some and should receive legal recognition. Witness Nos. 161, 230, 250, 352 and 353 are for continuing Nambudiri-Nair sambandhams and their legal recognition though No. 161 bewails over it as *asatya*. Interrogatory witnesses Nos. 61, 62 and 64 are apparently for continuing the present state of affairs and would not recommend any change.

The Nambudiri Yogakshema Sabha Resolution.

There is a large section of the Nambudiries who would like to see this, to them 'degrading custom', to which they had hitherto submitted, as they now pretend, but which in fact they had encouraged if not imposed on the subject Nairs, abolished altogether. The Nambudiri Yogakshema Sabha, a society started for the purpose of safeguarding the welfare of the Nambudiries, passed a Resolution at their eighth annual meeting at Olappanna Mana condemning the custom of Nambudiries associating in sexual relationship with females of other castes. The report of the proceedings of the great meeting shows that 437 Nambudiries were present on the occasion. The passing of the Resolution was prefaced by a strong recommendation, that all Nambudiries of marriageable age should marry in the caste, and thus relieve the hard lot of many Nambudiri spinsters who pine away and die without a chance of wedlock. The Resolution runs thus:—

"That this meeting places on record its strong opinion, that the practice of Nambudiries having Sambandham with other castes, which has been altogether forbidden by the Dharma Sastras from the very beginning, and which has, by the operation of certain enactments of State, been made the cause of working visible harm to us, is even disgraceful to the community; that this meeting hopes, that all Nambudiries who desire the advancement of the prosperity of the community will cordially accept this resolution".

Though the resolution is said to have been passed unanimously at the meeting, it is evident that the Nambudiries as a class, and even some of these present at the meeting, do not relish the idea of giving up a longstanding cherished custom to which they had clung tenaciously hitherto. Witness No. 352 told us that though his name was in the list of those present, he could not remember the passing of the resolution and that it might be that he was not present on the day the resolution was passed. Again, a comparison of the names of those who are said to have voted for the resolution with the names of the signatories of the various memorials and representations to the Diwan make it clear that the Nambudiries as a body are not disposed to go along with their more advanced brethren. Following the resolution, the 'Yogakshemam', the journal of the Sabha, issued a pamphlet entitled a 'sinful practice' to which reference has already been made. It is a thoughtful paper, written by one of the most prominent of the class, exposing the sinful nature of the custom and quoting chapter and verse from the Smrithies, Sastras and Puranas to maintain his position. He further points out how the custom arose and how it can be put a stop to.

No wonder that in view of the observations of the Malabar Marriage Commissioners in their Report, paras 21 and 22, on the effects of the system on the Nambudiries themselves and their women, the above resolution was passed though it is put on other and Sastric grounds.

Witness No. 352 has told us what class of Dwijas and twice-born can, according to custom, form Sambandham with Nair females. The choice is not based on any principle, but the outcome of mere caprice.¹ He has told us that only the Malayala Brahmans and Kshatriyas can form Sambandhams with Nair females. While the Canarese, the Tulu, and the Madhwa, Brahman may be found to form Sambandham with a Nair female without detriment to her in caste or society the Konkani or the Saraswat Brahman is tabooed. The Gouda or the Guzaratee Brahman gets no recognition. Of the Kshatriyas, the Thirumulpad, a Malayalee Kshatriya, is eligible, but not his brother the Rajput who hails from the Punjab. If 'distance lends enchantment to the view', one would have thought that there would have been considerable attraction for Bengal and Bombay. There is no concealing the fact that, be it said to the shame of the marumakkathayam community, that *Pen Malayalam*, 'female Malayalam', has been the happy hunting ground of all sorts and kinds of foreigners, provided they are Hindus in religion. Has not Parasu Rama, the incarnation of Vishnu, ordained:—"Among the folk of this land, in this my country, among all castes, amongst all Samanthas and among all other women likewise, let there be no chastity. But as for the wives of Brahmans and of Dwijas (twice-born classes), let the rule of chastity stand in regard to them. With other residents let there be no rule of chastity".² It is, indeed, a great consolation to find, in the words of the Malabar Marriage Commission Report, that 'the Nairs will not submit to this teaching much longer', and that, 'they are all, or nearly all of them, better than their custom' (paras 48 and 49).

East Coast
Brahman
witnesses.
Their views

Of the East Coast Brahmans, we had four witnesses before us, Nos. 110 and 266, voluntary witnesses, and Nos. 227 and 256, invited witnesses. No. 110 belongs to the Madhwa sect. J. S. Row (Jeyesa Row), quite a young man of 27 years of age hailing from Madras, a sojourner in Trichur for the last six years, a merchant, as he describes himself, dealing in motor accessories. He has Sambandham in a Nair house at Trichur, quite "an arrangement of convenience", of course, and this is his justification for coming forward as a volunteer to give evidence on social customs in Malabar, and his statements may be taken for what they are worth. He is no doubt an intelligent and observant witness.

The other three belong to the Smartha sect. No. 227 is a native of Kallatakurussi in the Ambasamudram Taluk in British territory, aged 63, a cloth merchant, and a resident of Cranganur now. He has a caste wife and children, as also a Nair wife and children by her. He is of opinion that it is not proper for a 'foreign Brahman' to form Sambandham with a 'Nair female'.

Nos. 256 and 266 were examined at Irinjalakuda. The latter was a voluntary witness. Both are English educated gentlemen of position. Mr. T. H. Subramania Iyer, No. 256, is a Vakil of the Munsiff's Court of 15 years standing, and he thinks it "undesirable to continue the practice of Brahmans marrying Nair ladies" "I have married within my caste and I have married a Nair lady also. It is from my personal experience that I say that a man should have only one wife".

1. The Keralamahatmyam Chapter 50 does not make any restriction. Sloka 4 only says that these Nair women may consort with "even Brahmans of other countries" page 185, Malabar Marriage Commission Report, App. III. The only restriction is that the man should be of equal or higher caste. M. M. C. Report para 48.
2. A tract of country in the West Coast which shall be nameless in spite of its being shameless.
3. The Kerala Mahatmya, Chapter 47, verses 10 to 15.

Witness No. 266 is Mr. S. G. Subramania Iyer, B. A., an L. L. B., student of the Bombay University, who presented 'a written statement for record' in which he does not say anything with respect to Brahmans forming Sambandham with a Nair or any marumakkathayam woman, but he himself has married a Pisharody lady.

The most important of Pattar Brahman witnesses is Mr. T. A. Kallianakrishna Iyer, B. A. & B. L., High Court Vakil, interrogatory witness No. XXV, practising at Calicut. He was only an interrogatory witness and he does not say anything on this question, apparently because it was not expressly referred to in the Interrogatories.

Kshatriya
witnesses.
Their views.

Of Kshatriyas, there was only one examined, viva voce, No. 107. This gentleman and all the other interrogatory witnesses of the Kshatriya class who are members of the Royal family, excepting I. W. XLII and critic IV who belong to the Cranganur family, are apparently in favour of higher castes having Sambandham with Nair females, as may be gathered from the trend of their answers to the interrogatories, though none expressly say anything about it, except, perhaps, I. W. 92, His Highness Prince Ravi Varmah, who says that such unions are even courted by Nairs of position such as Sthanies. All the Ambalavasi witnesses examined, as also the Samantha witnesses with the exception of one, are in favour of such unions. The Cranganur Raja who is an interrogatory witness (XLVII) is in favour of such unions. So also, I believe, is critic No. IV, a scion of the Cranganur family. Thus the sum total of the evidence now on record would seem to be, in favour of the higher castes having legalised conjugal relationship with Nair females.

Should there
be a law
legalising
Samban-
dham. Exa-
mination of
the evidence
on the point.

We shall now proceed to consider the evidence on the question, should there be a law legalising Sambandham? Interrogatory witness No. IV, Prince Kerala Varmah, B. A. & B. L., now a Vakil practising in Mangalore, is of opinion that everything is perfect in Nair married life; in fact, the Nairs now live happily in their land of moral utopia. The witness is not for legislation of whatever nature. He says "If the expediency (I suppose he means 'purpose') be to make the people more litigious, to drag into undesirable publicity in the court of law, the discreet privacy of private life, and make the overcrowded Bar self-supporting, it is then very high time that an Act be passed of the type now under the consideration of the Darbar. For otherwise the custom, as constituted and observed at present, does not seem to require any such regulation striking at its root and basis as now proposed to be enacted." As the result of legislation he anticipates dire consequences to Nair society. He is of opinion "that the general condition in Cochin (which it may be observed, in no way differs for better or worse, from that of British Malabar on the one side and of Travancore on the other) in this matter (i. e. marriage) is one of ease and satisfaction." Ease and satisfaction forsooth! to whom? Not certainly to the Nair community. It may be one of 'ease and satisfaction' to the higher castes, specially to the old world pampered priesthood whose diabolical teaching has been sufficiently quoted. To quote once more the words of the Malabar Marriage Commission Report "The Nairs will not submit to this teaching much longer". (para 49).

The present custom which is based on the supposed divine commandment, 'let chastity be far from you; not the least sin attaches to its non-observance, (see Keralamahatmyam) is indeed, "in no way rigid or strict, but highly plastic and adaptable, and can (and does also) mould itself spontaneously to that shape which would suit well the requirements of the society in its natural course of growth and progress"—towards what? Towards immorality of the most detestable description. Of course there are very respectable people in the community who are much above their laws and customs, and it may perhaps be a fact as observed by many that these form the majority. It is not this class that requires legislation. The sanction of positive law is necessary for keeping in the strict path of rectitude the unintelligent and the ignorant, and to protect the rights of all, whether high or low, intelligent or unintelligent.

That the present day unregulated practices of the people are in far advance of the unwholesome customs to which they are wedded is no answer to the honest attempts of the community to clarify those fluctuating improved practices by seeking the aid of the legislature, with whose assistance it believes that it can throw off the shackles of the old world unholy customs which bind them at present and sit upon them as a night-mare.

Mill somewhere remarks that the laws of most countries are far worse than the people who live under them, and happily, it is beyond dispute that the marumakkathayam Hindus, at any rate the respectable classes amongst them—in practice, follow a higher and better way of life than that which is supposed to regulate their domestic rights and duties (Malabar Marriage Commission Report, para 61). But this is no reason that there should be no legislation to define and legalise these rights and duties.

The witness naively remarks that it is only "a varnish of modernisation" that is all what is wanted and this, he has no doubt, could be done "by the society itself without the interference of the legislature". He is indignant at the attempt made to obtain the help of the legislature in setting right existing irregularities. He bursts out, "There is no use or good in the legislature fettering the people with manacles of positive sanction and dragging them at the point of bayonet, so to speak, into the path of honour and morality". According to him the State should legislate only "*if honour and morality and responsibility be at a low ebb and seen only in a microscopic minority*" (the original passage is not underlined). Comment on this is useless. The witness places "social censure" above "legal sanction" and argues that "to substitute for this social sanction (which has its existence only in imagination or is only dangling in the air and is at present in a nebulous condition), is to accept that external force is more a mark of civilisation than conscience." How "external force", by which the witness, perhaps, means, legal sanction or positive law, can stand opposed to, or displace or supercede, conscience, is a problem which has to be left to the witness himself to solve. Positive law only enforces the general or collective conscience, i. e. the collective consciousness of the community on a particular matter—by providing penalties for its infringement.

The so-called 'social censure' is merely a figment of imagination. The witness must certainly be aware of the strange occurrences that take place now and again to the horror of pure-minded people, not a hundred miles away from his own palace, where those who are in high circles, and who pass for respectable people, have cut sorry figures, and yet 'social censure' that boasted judge had not a word to say. It even extolled the parties because they were of the 'upper ten'.

The witness admits as true, that "there is great laxity now 'allowed' in the matter of forming and dissolving Sambandhams," and he adds "and if abused this may be productive of mischief". It is to root out laxity which is likely to be abused and to prevent such laxity and abuse and consequent mischief that the law intervenes. To him the 'expediency' for the present bill seems an enigma, unless it be "to take away the atmosphere of 'spirituality' from the Nair community and make it temporal and basely materialistic". Speak of the atmosphere of spirituality in the Nair community with regard to sexual relationship. Is it the spirituality of the teachings of the Keralamahatmya or that of the "God-compelling" priesthood? Is not the community grossly, I would not say, "basely, materialistic"? I do not mean by being materialistic godless; I mean utilitarian, selfish. There is no sense of altruism or unselfishness in the community and I mourn over it. I may be blamed for saying as much, but the truth in all its nakedness has to be told despite the opprobrium it may bring down on him who ventures to do so. In sooth there is as much spirituality in the sexual relations of the Nair community as there is music in a cat's tail.

The witness speaks of "Nair societies as have got the 'Stork King' of such a bill binding on them"; of the 'sour grapism' to be found "on the superfines" and refers in a general way "to statistics of the cases in courts of judicature which have jurisdiction over such societies". All this is perhaps good for declamation. But where do these Nair societies exist? Where are the statistics of 'sour grapism' to be found? And the 'Stork King'. This the witness does not vouchsafe to us.

Does he refer to society in Travancore? As one who took a humble part in shaping the Nair Regulation in that State, I have been carefully watching its working there, and I have failed to discover any 'sour grapism' 'on the superfines' or on the strata below. We have the opinions on the proposed draft Bill given us by gentlemen from Travancore who are in a position to judge of the working of the law there and, if anything is found to be wrong, surely these gentlemen would have advised us to stay our hands. Nothing of the kind. Instead of that they are in hearty accord with the principles of the Bill. One of these gentlemen is a professor of English in the Maharajah's College, Trivandrum, and an M. A. He is a Travancorean. Another is a Travancorean, a Graduate in Arts, married in Travancore, and a District Court Vakil practising in North Travancore. He has his house on the border line of the two States. Another is a Travancorean having his wife in Cochin, another has house and property in both States, domiciled in Travancore, married in Cochin and plying his profession in Travancore. Another is a native of Cochin, married in Cochin and practising in Travancore. All the three are Graduates in Law and Arts and are High Court Vakils practising in Central and South Travancore; another is a Graduate in Law and Arts, a recently retired Diwan Peishkar who has held that office in almost all divisions of the State; and had served as Judge in all the District Courts of the State. He has his tarawad on the borders of the two States not far removed from Alwaye and Chowerah. All these must have had, in their several capacities, ample opportunities of close acquaintance with Nair society in all parts of Travancore. The remaining witness is a Travancorean, a Graduate in Law and Arts, a Diwan Bahadur and retired Puisne Judge of the Travancore High Court, and was President of the Travancore Marumakkathayam Committee. Not one of these gentlemen has referred to the existence of 'sour grapism' on

the superficialities or on any layer of Nair society in Travancore as a consequence of the provisions of the Nair Regulation. No 'Stork King' is in evidence there.

If our critic is referring to Nair society in British Malabar, he has to remember that there is no law there in terms of the draft Bill or the Travancore Regulation. All that they have is a law legalising marriages effected in a particular statutory form with civil rights arising out of it. The Act, no doubt, is a failure. The reasons for the failure of the Act need not be recounted here. They are many and such as are against the instincts of the people. We are concerned only to see if there is any 'sour grapism' to be discovered on the superficialities of the society affected by the Act, i. e., of the 113 couples who had registered their marriages under the Act, out of a population of over three million Nairs. We have 21 witnesses from Malabar amongst whom are Deputy Collectors, retired, and now in service, a Sub-Judge, a Deputy Superintendent of Police, High Court Vakils practising in Madras, Malabar and elsewhere in the mofussil, District Court Vakils, and others who are in a position to discover 'sour grapism' in the Nair community of the District, if such existed there, and yet none make mention of any such. They except perhaps with the exception of one whole-heartedly support the principles of the draft Bill.

The witness asks "how many cases of divorce or dissolution of marriage in other ways are heard in Cochin in an year"? Of course there being no law of marriage and divorce, no court statistics of these can be had. One has to form an opinion on hearsay, and informations may vary. Let alone the educated classes and the more respectable men of the community, and the cases of separation or abandonment, not to speak of 'eviction' and 'trespass', are too many to count. Their name is legion. "How many suits for maintenance of a wife or a child are filed against the husband or father as the case may be?" asks the critic. The right to maintenance of wife and children by the husband or father is not recognised by the civil law here and so the courts cannot entertain such suits. A majority of the Judges of a Full Bench of the High Court of Travancore, has, however, held that the right to maintenance may be enforced in a civil court in Travancore on behalf of minor children against the father¹. As for the provisions of the Criminal Procedure Code, the learned Judges observed, "The wife's claim is not recognised either in the Criminal Procedure Code or the Full Bench decision, evidently on the ground that no legal recognition has been given to the Sambandham". The position of the wife here is no better and out of mere shame they are not likely to go before the criminal courts to be branded as concubines. The above question is followed up by another, "how many suits by the anandaravans against the karanavan for mismanagement?" He himself answers 'surely, very few'. Where did the Prince get his information from? It is not so, there are many, though in such suits by the juniors against karanavans, the anandaravans are very much handicapped. In the words of the Madras Weekly Notes for 1912 (page 74), referring to the remedy available to a junior member against a mismanaging karanavan, "the rights of a junior member to object to any improper administration of tarawad property or to insist that it should be duly conserved for the use of the tarawad are at best only illusory. It may be that the karanavan may have 'no more right in the tarawad property than any other member of the tarawad'. It may also be that he may be liable to be removed for mismanagement or malversation. But in this work-a-day world, there is no use in ignoring the fact that while the karanavan is in present possession and command of all the resources of the family, the anandaravan is impecunious with little or no credit to command and practically at the mercy of the karanavan. The result is a handicap which is nothing uncommon when poverty is pitted against power. His remedies are at best distant and dubious and his reliefs uncertain". In these circumstances the test suggested by the witness is surely of not much value.

In winding up his criticism of the Bill, the witness observes, that "the original Hindu notion of conjugal love and respect for the elders prevails in Cochin in a highly unadulterated form". The original Hindu notion of conjugal love is, intensely *spiritual*, (see Dr. Bannerjee's Tagore Law Lectures on the Hindu law of marriage, and 'The Aryan Marriage' by R. Ragunatha Row); that of marumakkathayam is, intensely *carnal*, having free love for its basis. (See chapters 48—49 of the Kerala mahatmyam). The Malabar Marriage Commission Report remarks that "if marumakkathayam is to be the guide, it permits its followers to copulate "*more ferariam*" (para 48'. The original Hindu notion of marriage is, that it is a religious sacrament; that of marumakkathayam is, that it is an "arrangement for convenience." (See witness No. 119, a Nambudiri gentleman കേരള ഗവണ്മെന്റ് റിപ്പോർട്ട്, V. V. W. 136. "A bed-chamber arrangement".) The original Hindu notion is, that marriage is irrevocable and indissoluble, enduring for the life of either party. Marumakkathayam allows one to cast off his partner, his 'better half', as he casts off his worn out clothes. The wife may cast off her husband to better her prospects with some one else. (See critic No. XIV Mr. P. Narayana Menon). It would certainly be idle, if not absurd, to appeal to original (Aryan) Hindu notions while speaking of the relation of the

sexes in the (Dravidian) marumakkathayam community. As for the 'original notion' of respect for the elders, I admit that some shadow of a shade of respect for elders is still to be found in Cochin; no, not in 'a highly unadulterated form'. Whether it is the shadow of the 'original notion' one cannot assert with any degree of confidence. But the Bill in no way seeks to undermine nor is calculated to undermine respect for elders.

I deeply deplore the spirit in which the Prince has approached the Bill and dealt with those who were responsible for drafting it. His supreme contempt for them is only surpassed by the vehemence of his opposition to its provisions. He sneeringly refers to those who drafted the Bill as the 'Bill-makers'. With reference to section 5 of the draft, the critic remarks, "The present Bill is replacing money for honour, and if the Bill-makers think that, in a question of 'Honour and Purse', the latter is more to be adored and adorable, then I have no objection to raise about this passage". If the so-called 'Bill-makers' have erred, they have the consolation that they have erred in good company. The provision to be found in the Travancore Regulation (section 5) has been adopted by the Hon. Mr. K. P. Raman Menon by way of maintenance, following section 22 of the Malabar Marriage Act, in his Malabar Marriage and Inheritance Bill.

The principle of compensation borrowed from Roman Law was accepted and recommended by the late Sir T. Muthuswamy Iyer, who also points out that, "the Smrithi of Yagnyavalkya directs that, if one supercedes his wife without just cause, he shall forfeit to her one-third of his property, and that the Hindu law of unjust supercession recognises a principle of compensation to mitigate its rigour when it was found impracticable to prohibit polygamy". (para 16—VII). No doubt the draft Bill errs in not providing for the cause of divorce to be enquired into. However that be, there is no reason to accuse those who drafted the Bill with bartering 'Honour for money'.

The reference to the 'cruelty involved', in section 10, leaving suckling babies 'to be fed on Mellin's food or other artificial food', to 'the conversion' now suggested by the Bill, and more especially to the charge contained in the passage, "in addition to the Bill trying to debilitate the future Nair population of Cochin it is out Heroding Herod in its attitude towards the innocent children," and so on, and so forth, is, to say the least, most unfortunate. It is curious that though the protest herein is lodged on behalf of the higher castes, witnesses 252 and 253, who are themselves Nambudiries and who represent three others also, give their cheerful assent to the provisions of the section, as also to some others similarly placed.

I have dealt somewhat at length with this witness as I found him to be type of a class who, along with his elder cousin, His Highness Prince Ravi Varmah, repudiated the necessity of any legislation whatever, and who apparently adopts the dictum of the Kerala Utpathy:—മരമുള്ളവർക്കു സമാധാനമുണ്ടാകട്ടെ. 'Those who live in Kerala live like the denizens of Paradise.

The other Kshatriya witnesses, viva voce No. 107, Interrogatory Nos. XII, XIV, XV, XVI, XLVII and Critic IV, excepting XCII and XCIII, all agree in thinking that Sambandhams should be legalised. They are all apparently for continuing the custom of higher castes forming Sambandham with Nair females. So also I. W. No. IV, who stands decidedly for the continuance of the old customs of Kerala, which he thinks, have contributed in no small degree towards its prosperity.

The Nair witnesses, almost as a class, are for continuing the custom of higher caste, such as Nambudiri Sambandhams, while there are a few who would see to this being put a stop to at once. Others would discourage them (see generally V. V. W. Nos. 1, 88, 117, 119, 126, 136, 138, 147, 152, 155, 219, 224, 233, 242, 294, 313, 333, 341, I. W. V. 1, 7, 9, 62, 66, 67) and one witness observes that only those who can interdine should be permitted to marry in the community (V. V. W. No. 71). There are 357 witnesses in favour of higher caste Sambandhams while there are only 25 against it.

Nair witnesses on Nair-Nambudiri Sambandhams.

I am myself of opinion that this ancient custom, consecrated by age and only desecrated by the unholy way in which it is observed, should be allowed to continue, but shorn of the desecrations. The result of the union of Brahmans, whether of the Nambudiri class or not, with Nair females has brought about a fusion of Aryan with Dravidian blood much to the advantage of the Nair, both in physical appearance and in intellectual capacity, but what I would insist, in the interests of morality and the social advancement of the Nair community, is that the higher caste man, be he a Brahman or Kshatriya, should be subject to the provisions of the law to be enacted for the purpose of legalising Sambandhams amongst the Nairs. The rights and liabilities arising from a marriage under the Regulation

My own opinion.

should be applicable alike to the higher caste man as to the Nair man, as no exceptions or exemptions should be allowed. If the higher caste man is not willing to subject himself to these rights and liabilities, I would certainly insist that he should not be allowed to marry in the Nair community, and I would recommend that a section should be added to the Draft Bill prohibiting such marriage. To make the matter perfectly clear, I would add a section to say that "the provisions of the Regulation regarding marriage, maintenance, guardianship, and inheritance shall apply also to those who have a personal law of their own who choose to marry in the Nair community". If this suggestion is not acceptable to the higher castes, I would adopt the principle of section 3 clause (a) of Madras Act IV of 1896, and have a section to the effect that "the husband must not be subject to a personal law of marriage according to which he cannot validly contract a marriage with the woman". Or, in section 3 clause ii, line one, of the draft Bill, for the words "any male other than a Nair," I would substitute "any non-Nair, who is not subject to a personal law of marriage according to which he cannot validly contract a sacramental marriage with a Nair female."

A suggestion made by Nambudiri witnesses

Here I may refer to a wish expressed by certain Nambudiri witnesses, (Nos. 115, 155 and 250), that the parties should be permitted to enter into a special contract before the marriage, apparently setting forth the terms regarding duration of the union, divorce, compensation, inheritance, etc., and that such contract should be binding on the parties. This cannot, of course, be conceded. "It may appear questionable", observes Professor Holland, "whether the rights of husband and wife can be reckoned among those which arise by operation of law rather than out of contract. It is however submitted that this is the true view. The matrimonial status is indeed entered upon, in modern times, in pursuance of an agreement between the parties (or their guardians) accompanied by certain religious or civil formalities; but its personal incidents are wholly attached to it by uniform rules of law, *in no sense depending on the agreement of the parties* either at the time of marriage or subsequently. The effect of the contract, coupled with the other acts required by law, in producing a status, to which rights of definite kinds are incident, closely resembles that of a sale of property. In the one case, as in the other, the contractual act is complete, so far as its direct effects are concerned, when the status has been produced or the ownership changed. The necessarily resulting rights of the person newly invested with the status or newly become owner of property respectively, are the creatures not of the will of the parties but of fixed rules of law¹."

It has been observed that the legal consequences of marriage depend, in almost every civilised country, not upon the will of the parties to it, but upon the law which governs them. Parties may choose not to marry; but if they marry at all, they must do so, not upon their own terms, but on terms fixed by the law under which they live. If they once contract the tie, they cannot afterwards break it, even if they both agree, unless the law allows it. For this reason, it has been sometimes doubted whether marriage is, properly speaking, a contract. "It is rather", says Story, "to be deemed an institution of society, founded upon the consent and contract of the parties; and in this view it has some peculiarities in its nature, character, operation and extent of obligation, different from what belong to ordinary contracts". No doubt, it is not a contract in the sense in which any other agreement, such as betrothal, is a contract. In one sense, however, marriage is a true contract; for the parties when they marry, in fact enter into an agreement to perform certain duties towards each other for the rest of their lives: it is a contract to be followed by a whole life of specific performance. 'But', as a distinguished Scottish Judge observes, "it differs from other contracts in this, that the rights, obligations or duties arising from it are not left entirely to be regulated by the agreements of parties, but are, to a certain extent, matters of municipal regulation over which the parties have no control by any declaration of their will". The object of this interference of law with the freedom of parties in their mutual dealings, is to guard against the consequence of individual caprice and want of foresight, in a transaction which is of the most serious importance, not only to themselves, but to society in general. (Dr. Gurudas Bannerjee's Hindu Law of Marriage and Stridhanam, pages 111 and 112).

Summary of evidence on legalising sambandham.

Of the 445 witnesses examined, 11 were Nambudiries, 5 other Brahmans. Six of the Nambudiries are for legalising Sambandham. Two would legalise but prohibit Nambudiri-Nair alliances. One would not legalise and does not think that Nambudiries can have Sambandham with Nairs consistently with the Sastras. The two others would not legalise but would continue the present practice. Of the five other Brahmans, one is against their class having Sambandham with Nair females. One has given no answer though the trend of his evidence is in favour of legalising. There are 11 Kshatriya witnesses of whom seven are for and four against legislation.

1. Jurisprudence, page 210. See also "Story on the Conflict of Laws" Chapter V, paras 109-110, Eighth Edition.

Of Ambalavasies we had a Pisharodi (V. V. W. 44), a Puduval (V. V. W. 111), an Unni or Pushpakan (V. V. W. 228), and a Warriar (I. W. XVII). All of them are for legal recognition.

Of Samanthas we had three, I. W. Nos. XXIV, XXVIII and LX. Of these, one is against, while the other two are for, legal recognition.

All the other witnesses are Nairs, 412 in all. Of 89 witnesses possessing University degrees, I. W. IV, XIV, XXVIII and XCII, alone oppose the legalising of Sambandhams.

I. W. I, II, VII, VIII, XXXV, XXXVI, XXXVII, XXXIX, XL, XL1, XL11, XL111, XL1V are ladies, and all of them Nairs. Of these, XL111 alone objects to legalising Sambandham, but does not give any reason for her opinion. The result of the analysis is that out of 422 witnesses who have answered the question, only 41 are against legalising marriage of whom one alone is a lady.

The objections raised by the generality of the witnesses who oppose the legalising of Sambandham are more or less puerile, and need not require much consideration. There is, however, one opposing witness who appears to have bestowed some thought on the question. He has formulated his objections in rather strong terms and with a show of plausibility, and his objections have to be considered somewhat in detail. Objections to marriage law.

The general objections urged do not present a strong front. They may be summarised thus:—

(1) The present system is perfect and needs no change. I. W. LXXXV, LXXXIX, CXII. It is one of 'ease and satisfaction'. I. W. IV, V. V. W. 326.

(2) Legalising marriage will affect the caste system. It will lead to the breaking of caste rules. Brahmans will not be available for Sambandham in view of payment of compensation, maintenance, inheritance, etc. I. W. LXVII and LXXXV.

(3) No recognition is necessary. No new law is wanted. I. W. XXVIII, XLIII, LXX, LXXVIII, IV, XIV, LII; V. V. W. 326, 327, 328, 334 to 340, 342, 344, 346 to 348.

(4) Women will not get husbands. I. W. LXII, LXVII, LXXXV, LXXXVI, V. V. W. 175 to 178, 314 and 321.

(5) Recognition of law is not good. It is in every way bad. Only evil will come out of it. I. W. LXII, LXXIII and LXXXVI.

The first of these objections will receive attention while considering the evidence of I. W. XCII. The second so far as the breaking of caste rules is concerned is of no great moment. We shall see that interdivisional marriages do not in any way affect caste and that the subdivisions have no religious sanction. That Brahmans will not be available because they will be burdened, just like others, with the responsibility of maintaining their wives and children, and that they should require special consideration is an objection so puerile that it carries with itself its own condemnation. In the extract quoted later on from Raja Manavedan Raja (I. W. XXIV), it will be seen that these holy men require to be exempted even from the provisions of the Criminal Procedure Code regarding the maintenance of their Nair children. The third objection is but a dogmatic assertion that calls for no comment. So also the fifth one. The fourth objection is of a piece with others in their puerality. For an answer to this, one has only to turn to V. V. W. No. 273 at page 13, Chalakudy centre. He says:—"Adult men seem to be very reluctant to married life. Instead of suspecting these to be subject to diseases or that they are Yogis, would it not be more reasonable to regard them as bent on leading astray innocent guileless women by means of wiles? I do not say that there are no innocent young men among these. But they are rather in the minority. If it is thought not possible or reasonable to pass an enactment compelling all Nair men of marriageable age, or on attaining that period, or within a fixed time limit after that period, to marry a Nair woman, at least a law may be passed along with this that persons entering Government service will be confirmed in their appointments only on their entering married life. It is my humble opinion that a law to this effect will be productive of immense good to the community and cause general increase of population while it will eradicate "adulterous practices (rooting out the word itself) and cause doubtless good".

I shall now proceed to say a few words on the observations of interrogatory witness No. XCII, H. H. Prince Ravi Varmah, and critic No. IX the Hon. Mr. Kavalapara Moopil Nair, and I believe that my comments on these will cover a good deal of the ground taken by those who are opposed to any legislation recognising legal marriages.

Interrogatory witness No. XCII.
H. H. Prince Ravi Varmah.
The Loftus-Tottenham cult and its votaries.

Along with the evidence of I. W. IV may be considered that of his elder cousin His Highness Prince Ravi Varmah, B. A. & B. L., District Munsiff of Coimbatore. This witness is the type of a class who are the followers of what may for convenience be styled the Loftus-Tottenham school. Besides the Prince, are to be found amongst our critics the Prince's friend Mr. P. Narayana Menon, B. A., third Presidency Magistrate, now of the Board of Revenue, critic No. XIV, who submitted his views to the Diwan "at the instance of His Highness the Prince", and Hon'ble Lt. Kavalapara Moopil Nair, critic No. IX, both ardent votaries of the Tottenham cult. There is a class of Europeans, specially members of the Civil Service, who, on first coming to Malabar, seem enamoured of the beauties of Malabar, its natural scenery, its inhabitants, their peculiar, social and domestic life, their quaint manners, and old world customs with regard to sexual relations, not far removed from their own British ancestors of the time of Julius Cæsar. These gentlemen often give glowing descriptions in flowery language, and there are not a few of our own countrymen who are charmed, even hypnotised, by these exuberant flowery phrases and fall an easy prey to ideas not conducive to the advancement of their own race in its evolution and progress.

H. H. Prince Ravi Varmah's views examined.
The Prince's opinion not supported by existing circumstances.

I. W. XCII is quite against any change, whether with regard to marriage or partition. The witness is satisfied that the customs and practices now existing with regard to these are eminently good and satisfactory. His answer to question III is "emphatically in the negative". He is of opinion that the *institution of marriage exists in its simplest, purest and noblest form in Malabar*. If by the term 'marriage' we mean simply the pairing of the sexes according as they please, then indeed 'Marriage' does exist in Malabar, in its simplest, though it cannot be said to be of the purest and noblest, form as known to the common understanding. "The simplest form of the human family", observes Professor Henry Ciddings in his *Principles of Sociology*, "is a pairing arrangement of relatively short duration" (page 155). Indeed "it is bound by no artificial ties", neither natural, nor legal. "It has its roots in affection", just as the bull and the cow grazing on the common submits to each other according to inclination. Its permanency depends, not upon mutual good behaviour, as the witness would have it, but upon mutual consent or inclination¹, the one may throw up the other for no reason assigned. In practice, no doubt, all this is modified to a great extent, but the principle is exactly as set forth above. There is no restraint against acting in accordance with the theory. No sanction, legal or social, restraining any one from acting as he pleases in regard to sexual relations. As for legal sanction of course, there is none. As for social sanction, there is no social organisation or head of society having jurisdiction in such matters in any part of the State. Provided the parties do not go outside their caste in their sexual connections, there is no communication,² there is no social ostracism. It must certainly be within the knowledge of the witness himself that even in the highest of circles there are constant instances of "usurpations" and "evictions," and that the so-called society conveniently winks at these. Even in the highest circles ways are often changed, as one changes one's worn-out clothes, and husbands too, though less often. Mr. P. Narayana Menon, critic No. XIV, speaks of "the wife in even respected families divorcing the husband to better her prospects with some one else" (page 31). There is some evidence to show that polyandry has not altogether left Malabar. The Prince admits that it does exist in Cochin. I. W. XXVIII regards polyandry as sanctioned by custom and I. W. LXII would insist that the custom should not be interfered with. A number of witnesses are for upholding the custom. V. V. W. 175, I. W. 62-28.

The Prince's friend, Mr. P. Narayana Menon, in his criticism on section 3, clause 2 of the draft bill, describes the present institution of marriage among the Nairs of the State eulogised by the Prince as 'the simplest, purest and noblest,' in the following terms:—

"Run-away Sambandhams subsequently condoned are very common among Nairs and sometimes the married state is entered upon on a mere understanding that the husband should later on, at the next Onam or Thiruvathira, supply clothes, etc. to the wife. In some of the leading families of Trichur, the males of the house are not consulted about or informed of the union of the girls or women of their house; and among the lower classes outside, the fact of a union is often published only when a woman becomes pregnant. The various practices, prevalent or tolerated in different parts of the State, could not for legal purposes of evidence often be differentiated from the mere access of a man to a woman with the knowledge of one or two, and the Regulation would in practice be a declaration that all union between man and woman, including of course liaisons, would be marriages. These observations are made with regard to the provision legalising existing marriages by giving retrospective effect to the Regulation. Many of the so-called "marriages" are no more than mere "arrangement for convenience" (See V. W. 119; or 'bed-chamber arrange-

1. See memo of the President of Malabar Marriage Commission, para 16 (VII).
2. See Malabar Marriage Commission Report, para 44.

ment' കിടപ്പിന്നെ ഡട്ട. as observed by V. W. No. 136. At any rate, that mixed marriages are so regarded by higher classes is evident from the answer given by a well-known Bhattathiripad to the question put in court, as to whether he had Sambandham in one of the richest Ambalavasi tarawads in Cochin. His answer was he had കിടപ്പിന്നെ ഡട്ട. there. This, it will be remembered, was not long ago. That the Nairs have been practising polyandry in the past cannot be denied. Even now in the interior parts the sacred tie of marriage does not exist; the woman is asked to select for her Sambandhakaran a man, who will be able to give her tarawad money. That is the sole qualification in the selection of a Sambandhakaran. In this sense Nair marriages are "purely economic".

In his well-known Malayalam novel 'Indulekha,' Mr. O. Chandu Menon very correctly portrays the state of circumstances in Malabar which enabled Panchu Menon, the grand-father of Indulekha to make various attempts to break off the love-match improvised between Indulekha and Madhavan, Panchu Menon's nephew. He makes a deliberate attempt to associate with the very rich and influential Namburipad in the hope that the Nambudiri Croesus, described by Mr. Chandu Menon in his letter to Mr. Dumergue, as a rich, licentious, profligate, unsteady man, may contract an alliance with his favourite grand-daughter. We find Kunjikutty Ammah, the grand-mother of Indulekha, giving her the following piece of advice on the eve of the proposed Sambandham.

"Mind, you must be very polite in speaking to him. I have been anxious for ever so long to see my grand-daughter make a splendid match, and now I have the chance of getting my wish. You will never have such a stroke of luck again, my dear. When a woman is beautiful and clever, she must do some good to her family. She ought to make a good match. Money, my dear, money is the great thing. There is nothing better than money. I was very good-looking when I was a girl, and a lot of handsome young fellows wanted to marry me, but my father and mother would not consent. At last they gave me to your grand-father, and it was through me that my family got some money. We get quite enough to live upon comfortably, my dear. Now Lakshmikutty was unfortunate. If your father had only lived a little longer, we should have been one of the richest families of the day. But luck was against us, so what could we do? The girls of our family have always been attractive as you, my child. No one in our family has ever made so good a match as this one of yours. This is why I said that you are in luck". (Page 110, Translation by W. Dumergue, C. S. Addison and Co., Madras, 1890.)

Let us hope that, since Mr. Chandu Menon wrote his novel there has been some improvement, but there is no gainsaying the fact that the old system, so full of mischief, has not yet been eradicated.

Kunjikutti Ammah could have very well quoted the authority of the ballad which says, -

"It does not matter even if he has completed his 84th year if he will only pour out his wealth (unstinted). O! my daughter, win him over."

Novels and ballads generally portray the real condition of society.

Ideas of sexual morality in Malabar are still very low. Arthur Young, quoted by Viscount Morley in Vol. I of his 'Recollections' page 333, describing the Ireland of only a hundred years ago, mentions that "landlords of consequence have assured me that many of their cotters would think themselves honoured by having their wives or daughters sent for to the bed of their masters". In the interior villages of Malabar, away from the centre of civilization and progressive education, we still often find Nair tenants of jennies, who like the Irish cotters of a hundred years ago, think themselves honoured by having their sisters and nieces, wives and daughters sent for to the bed of their masters. Ashtamoorthi Namburipad, described by the Malabar Marriage Commissioners as "one of the foremost Nambudiries in Malabar in respect of wealth, rank, sanctity and learning, and it will probably be allowed that there could be no better or more candid exponent of the doctrine" told the Commissioners that the Smrithi says "If a Brahman wished to have sexual intercourse with a Sudra's wife, the Sudra would be bound to gratify the wish" (paper No. 8, Appendix II of the Report). Here we may remember that V. V. W. No. 155, Killimangalath Thuppan Namburipad has told us that Nambudiries have generally their Sambandham in the houses of their Nair tenants. We may also note that the Nambudiri views the relationship as a mere fugitive connection a കിടപ്പിന്നെ ഡട്ട., a mere bed-room arrangement.

If the above description is correct in any respect, it goes without saying that it is not possible to hold with the Prince that "the institution of marriage exists in its simplest, purest and noblest form in Malabar".

Reference
to Mr. Her-
bert Spencer
misleading.

The reference to Herbert Spencer is misleading. The passage will be found quoted in full later on. Mr. Spencer simply refers to the degree of importance attached originally to union in the name of the law—that is “originally the act of purchase—and union in the name of affection. He says that the former is now considered the most important, but that a time will come when the latter will be considered the most important and the best. He does not at all mean that union in the name of the law will not be considered as of any importance at all, or that it is becoming altogether unimportant, or that the one will give place to the other.

The anti-
quity of the
institution
of marriage
in Malabar.

If, by the remark “that the institution was as old as the race itself”, it is intended to have reference to the institution of free love, then indeed it is true. Otherwise it is altogether incorrect to say that the institution of marriage, as understood by the modern world, was as old in Malabar as the Nair race. As to the state of sexual relation in the Nair community in the early days, I may refer to the quotations collected in Mr. Edgar Thurston's “Ethnographical Notes on Southern India” (pages 115 to 124) from Mr. Elli's edition of the “Kurul”, Herman Lopus de Castenada (16th century) in Kerr's “Voyages and Travels”; “Travels to the East Indies by Grose” (18th century); Tippu's proclamation to the Nairs of Calicut, 1788; Captain Alexander Hamilton in his “New Account of the East Indies” (18th century); and Buchanan in his “Journey through Malabar, Canara and Mysore” (1800); The Rev. S. Mateer writing to Mr. S. Fawcett (Madras Museum Bulletin III, 1901); Mr. Gopala Panicker in his Malabar and its Folk (1906); Mr. Justice K. Narayana Marar in the Malabar Quarterly Review. Reference may also be made to the extracts collected in Appendix I to the Malabar Marriage Commission Report. Mr. Logan has made some observations regarding the evolutions of the system and its present position.

Opinion of
the Malabar
Marriage
Commission.

The Malabar Marriage Commissioners quote from Sir James Fitz Stephen's speech in the Imperial Legislative Council, that “whatever words you may choose to employ, it is clear that all the elements of a contract must, from the nature of the case, be found wherever a marriage occurs. There must be an agreement, there must be consideration for that agreement, and there must be, as a consequence, a set of correlative rights and duties”. Their Report goes on to observe that “a contract is an agreement enforceable by law (Contract Act IX of 1872, section 2), and, if we can discover such an agreement in the form of nuptial union sanctioned by marumakkathayam custom, we shall have ascertained that there is a marumakkathayam marriage and not otherwise” (para 29).

In para 48 the Commissioners observe, “applying the test proposed in para 29, the Commissioners are thus forced to the opinion that the principles of marumakkathayam law do not recognise the institution of marriage. If marumakkathayam is to be their guide, it permits its followers to copulate *more ferarum* with no other restrictions than that the man shall be of equal or higher caste than the woman”. “Indeed”, they add, “they (the Nairs) are all, nearly all, of them better than their custom, and the majority (as we are told and believe) cleave to one woman for life. But continued co-habitation does not, under any law which concerns us, raise the woman to the status of wife; and the parties, however long they co-habit, acquire under their own system no rights or duties which the law can recognise”.

The learned President of the Marriage Commission has set forth certain facts and arguments in his Memorandum which tend to show that the institution of marriage is foreign to marumakkathayam. They are:—

“The relation of husband and wife, or father and child, is not inherent in the conception of a marumakkathayam family”. x x x “The person that begot a child on a marumakkathayam female was originally regarded as a casual visitor and the sexual relation dependent for its continuance on mutual consent”. x x x

“It is pretty certain from the usage obtaining in kovilagoms, or the families of ancient rulers and petty chieftains, that in former times there was no marriage in Malabar. There, the ladies co-habit with Nambudiri Brahmans without any formality, and are at liberty to change them at their pleasure, with (often without) the consent of the senior Rajas (they do not know at all of any such change). It may be that the aristocracy of a country adhere to an ancient usage more tenaciously than the middle and the lower classes, but it is anything but probable that the institution of marriage originally existed among the latter whilst it did not exist among the former”. (para 5. See also 7.)

I have no doubt that the Prince will not deny this statement of fact, nor the next one stated by the learned President in para 9 of his memo and quoted by the Commissioners in para 44 of the Report, viz.—“The evidence shows that if a Nair female consorts with a male without going through any of the forms of marriage, she is not put out of caste even in respectable families provided that he acknowledges the intimacy and is of equal or superior caste. This sort of union though not common” (here in Cochin it is common) “has not yet disappeared, nor is it treated as prostitution as is the case on the other coast”.

The opinion formed by the Commissioners is amply supported by authority.

I have already shown by making reference to the various paragraphs of the Malabar Marriage Commission Report that the conclusion arrived at by the Commission receives support from the Nambudiri priesthood (para 43), from the opinion of the aristocracy (para 46), from immemorial tradition (para 34), from sacred grandhams such as the Kerala Mahatmyam (Chapter XLIX, para 24), and so on, from the testimony of 320 witnesses, (all of them men of weight by virtue of rank, position or education), who have sent in answers to interrogatories, (para 47). Finally the Madras High Court also has refused to recognise the status of husband and wife to the unions of marumakkathayam parties (page 45). These facts and circumstances do certainly give the lie direct to the statement that the *institution of marriage exists in its simplest, purest and noblest form in Malabar and that the institution was as old as the race itself*. As already pointed out it does exist in its simplest form—the mere pairing of couples.

The witness quotes three statements of Mr. Loftus-Tottenham in support of his position that the system is most excellent as it is, and requires no aid of law. The first is that “under the Malabar system we have no ill-assorted couples fated to render each other’s lives miserable till death; no wives tied irrevocably to sots and brutes, no women to whom life is one long imprisonment in the Zenana, no virgin widows, no divorce proceedings and no degraded class of ‘fallen women.’” Perhaps Mr. Tottenham believes that all these are the invariable concomitants of legal marriage! where every one is free to act as he or she pleases, or as his or her inclination directs with regard to sexual relations, and where there is no legal sanction for the conjugal union, of course, the result can be only as Mr. Tottenham describes. In a state of nature everything will be uncontrolled. There will be no ill-assorted couples, because each can pair with the other as he or she chooses just, as in brute nature. They will not be fated to render each other’s lives miserable till death, for each can separate even after one act of hymenial bliss, and pair with any other towards whom he or she is inclined. There will be no wives tied irrevocably to sots and brutes for the same reason. There will be no imprisonment in the Zenana, because all are free. Perhaps Mr. Tottenham is not aware that the Zenana is not known to the Nairs at all. There will be no widows, virgin or mature, for the simple reason that there is no marriage. The Nair community knows not of widowhood. For the same reason there will be no divorce proceedings. Each party is free to go his or her own way. There can be no degraded class of ‘fallen women’ because all women are free to act as they please, and there is no degradation for the bestowing of favours, if not to men of a lower caste. It is a state of free love. Such a system is unknown to any part of the civilised world. It is a sure sign of savagery. We are indeed emerging out of it. We have already taken several steps forward, and we are perhaps now taking the final step to enter into civilised married life. Imitation is said to be the best form of appreciation, and one is curious to know if Mr. Tottenham would wish to apply the system to his own community, and if his community would accept it, excellent as it is represented to be. In the second passage Mr. Tottenham observes, “It is remarkable that, whereas—if one may venture to base a prediction on the tendency of modern thought—the development of the relations connected with the marriage and the family in Europe and America is likely to be away from the present rigid type and its accompanying legal sanction, we should here see a people, the happy possessors of an admirably ingenious and plastic system, which avoids the evils alike of the European and the ordinary Hindu or Mahomedan system, invited to take several steps in the opposite direction”. The tendency, referred to here, as appearing in the United States of America and in some of the States of Europe, is not to cut away from all marital restrictions and legal sanctions but only to relax certain rigidities of local marriage laws with regard to rights over property and freedom of person. The question will be found discussed at length in Chapter XXI of Bryce’s “Studies in History and Jurisprudence” Vol. II, page 457. It will be tedious and altogether unnecessary to discuss it here.

The three quotations made by the Prince from Mr. Tottenham’s memorandum.

I may however quote with advantage the observations of Professor Franklin Henry Giddings of the Columbia University, in the city of New York, as to the cause of the desire for relaxation of the restrictions of the marriage law. Says Professor Giddings:—“Degeneracy in the population is inevitably followed by degeneration in both the social composition and the social constitution.

“The unstable organisation of the romantic family offers little resistance to the disintegrating influence of morbid emotion and insane ambition. When the duty of maintain-

ing a family tradition is no longer acknowledged, when religion has ceased to be an element in domestic life, when children have become unwelcome and marriage is viewed as a convenience or a pleasure, legal obstacles to its dissolution will not long be tolerated by a community of irritable, sentimental, and egotistic men and women who have found life disappointing. A clamour for more liberal divorce laws is sure to be made. Divorces have been rapidly multiplying throughout Europe and the United States during the past thirty years". (The principles of Sociology, pages 349 and 350).

Mr. Tottenham holds up some countries of Europe and America as models for us to follow. And what are the circumstances obtaining there? Once more I shall turn to Lord Bryce's book, Chapters XVII, XVIII and XIX to give us some idea of this. "In some of the States of America the law of divorce is extremely lax and its administration is laxer still, so that the number of divorces has in the United States risen with formidable rapidity. In 1867 there were 9,937 granted, in 1886, 25,535; an increase of nearly 157 per cent in 20 years. The total number recorded to have been granted in those 20 years (and the record is probably not quite complete) is 328,716, a ghastly total exceeding all the divorces granted in the same years in all other Christian countries. The population of the Republic increased about 60 per cent within the same 20 years. Taking the two census years 1870 and 1880 the percentage of increase was for the population 30.1 for divorce, 79.4 or more than twice as great; and while in many States the percentage of divorce increase is far larger than 79.4, there is five in which divorce has not grown faster than population." ¹ And yet it is these States we are invited to follow as models. Perhaps the argument is that there are so many divorces because of the rigidity of the law as to divorce and if the law is abolished, there will be no divorce whatever. As well could one argue that if there is no law of marriage there will be no divorce also, and this perhaps is the argument of Mr. Tottenham as regards Malabar. "In all communities", observes Mr. (now Lord) Bryce, "that have risen out of the Savage State, no legal institution is at once so universal and also fundamental a part of their social system as is Marriage. None affects the inner life of a nation so profoundly, or in so many ways, ethical, social and economic. None has appeared under more various forms, or be more often modified by law, when sentiment or religion prescribed a change. In a famous passage which has been constantly quoted, and often misunderstood, Ulpian takes marriage as the type of those legal relations which are prescribed by the law of Nature and extends that law so far as to make it govern the irrational creatures as well as mankind" (page 381).

"Marriage" says Story in his book 'On the conflict of laws', "is treated by all civilised nations as a peculiar and favoured contract. It is in its origin a contract of natural law * * * It is the parent and not the child of society; *principium urbis et quasi seminarium re publica*" (para 108) * * * "It is the very basis of the fabric of society. The status of marriage is *Juris gentium*" (para 109).

Such is the importance of the institution of marriage and it is such an institution the legal recognition of which in Malabar is so stoutly objected to by the witness and his Guru.

The Prince
quotes Mr.
P. Narayana
Menon.

Let us now turn to the quotation from Mr. P. Narayana Menon. He thinks that Mr. K. P. Raman Menon's Bill, which is somewhat analogous to our Bill, "is conceived in a foreign spirit by men who wanted to ape foreign manners and are aggrieved at the irrational taunts of foreigners," and this is exactly what Mr. Tottenham also thinks. The latter says "no doubt the 'educated Malayalee' is sometimes ashamed of his national peculiarities, from his in-form-elastic arrangements in regard to the relation of the sexes, to his front 'Kuduma' which he cuts off as soon as he gets to Madras, because he wants to look like a Tamil." Mr. Tottenham is indeed for the preservation of old *Mamool*. He would perhaps wish to see the ordinance of the Brahmans embodied in the Kerala Mahatmyam strictly enforced. There the Brahmans have enjoined upon Nair women to put off chastity and the cloth which covered their breast and declared that promiscuous intercourse with three or four men in common is void of the least taint of sin. "Keep to custom, cut not your 'Kuduma,'" says Mr. Tottenham to the Malayalee man. To the Malayalee woman he would say, 'keep to custom, put off the cloth which covers your breast and have promiscuous intercourse with three or four men in common because that is void of the least taint of sin. These would keep you genuine Malayalee still! If you cut off your 'Kuduma' and enter into legal marriage and cover your breast, you will be converting yourself to Tamilians which would be a positive calamity to the Malayalees". Comment on this attitude is useless.

1. Studies in History and Jurisprudence, Bryce, pages 448 and 444. See also Wright, "A Report on Marriage and Divorce in the United States, 1867 to 1886" including the Appendix relating to marriage and divorce in certain countries in Europe cited by Professor Giddings. Footnote to page 850.

We are told that we are aping foreign manners but whom are we aping? Not the Tamilian (Hindu), nor the English (Christian), nor the Muslim (Mahomedan), nor the Parsee (Zoroastrian), nor any foreigner. We simply seek that our social 'marriages' should get legal recognition. We seek nothing further. We do not want to ape any. We want only to move with the civilised world. How could this bring about all the dire calamities foreboded by this witness as also by his *contreres*.

Mr. Narayana Menon considers that "our system judged by the laws of Nature or race preservation is more *moral* (God save the mark) than any other system in the world". The term 'Law of Nature' is a wide and comprehensive one. If it means 'that which guides human beings in a state of nature or savage condition' his conclusion may be right. But the word *moral* will have to be given a meaning not now known to dictionaries. As to race preservation, there are those¹ who are of opinion, and they are not few, that the race has considerably deteriorated from its former condition. Mr. Narayana Menon's standard of morals appears to me to be rather queer. He says, "an immoral system in my opinion is one that engenders personal disease and extinction of race and such a system would exist only in prostitution". So if a woman of easy virtue dispenses her favours to those whom she likes, but does not engender personal disease, she would be a *moral* woman. In the eyes of Mr. Narayana Menon, prostitution which spreads contagious diseases *alone* is *immoral*. The dictionary meaning of the word '*moral*' is however quite different. According to the Century Dictionary '*Moral*' means:—"In accordance with or controlled by the rules of right conduct opposed to *immoral*. In this sense *moral* is often used specifically of conduct in the sexual relation". In this sense the conduct of the aforesaid woman would not certainly be considered as controlled by rules of right conduct, and therefore *moral*, by men of ordinary understanding.

What is right conduct and what is not, i. e., what is moral and what is immoral depends, perhaps, on the degree of civilisation attained by those with reference to whom the enquiry is made. What is thought to be right on the banks of the Thames may be considered to be altogether wrong on the banks of the Ganges—witness the practice of polygamy. But with regard to ideas of marital relationship, it is not impossible to determine what is right and what is wrong. As the progress of future generations of society, generally, has for its basis high and pure ideals of marital life, that form of marital relationship which conduces most favourably to bring about the desired end will have to be considered as coming under right conduct, i. e., moral while that which inclines in the opposite direction, wrong and immoral.

A marital system such as of Malabar has hardly room for any feeling of paternal responsibility on the part of the male parent. Residence with the father and the exercise of paternal care and control is discounted and actively discouraged. The solicitude for children becomes less and less on the part of the male parent who looks only to the satisfaction of his carnal cravings. That the joint interest of both parents in the children strengthens the moral bond which will become the more efficient as the solicitude for children becomes greater, which it will do with the progress of civilisation, is forgotten. "The welfare of offspring", says Herbert Spencer, "must hereafter determine the course of domestic evolution. Societies which, from generation to generation, produce in due abundance, individuals who collectively to the requirements are best physically, morally and intellectually must become the predominant societies and must tend through the quiet process of industrial competitions to replace other societies, consequently, marital relations which favour this result in the greatest degree must spread, while the prevailing sentiments and ideas must become so moulded into harmony with them that other relations will be condemned as immoral" (Sociology, Vol. I, page 755).

Does the Nair community answer the tests suggested by Mr. Herbert Spencer? Has it from generation to generation produced in due abundance individuals who are fitted physically, morally and intellectually, who collectively meet the requirements to become the predominant society and tend through the quiet process of industrial competition to replace other societies? Has the community ever betrayed any capacity for industrial development? Have not the Nairs been far outstripped by other communities such as the Ezhavas and the Native Christians in the race for industrial progress? Are they not being beaten hollow by Pattar Brahmans in the intellectual line? Are not their members gradually diminishing proportionately with the increase in numbers of other classes? Visit any town in the State such as Ernakulam, Trichur, etc., you will find the Nairs as a class being steadily pushed into the back-ground. You will find localities hitherto occupied by the Nairs being taken up by other classes. The returns supplied by the Revenue authorities show that out of a total of 273 villages in the State, 122 i. e. 44.6 per cent have no Nair tarawads paying tax at all or there are no Nairs in them who have the capacity to give evidence before the Committee. Is this not deplorable in view of the circumstances that

1. See Mr. Logan's Manual of the District of Malabar, Vol. I, page 138.

from time immemorial, almost from the days of the early Greek geographers, as history informs us, the West Coast of South India, i. e. Travancore, Cochin and the British district of Malabar, forming the ancient land of Kerala, was known as the country of the Nairs, or the Narae as Megasthenes calls them. In the Cochin State the enterprising Ezhuvas already out-number the Nairs by 87,247 souls. The race itself has degenerated considerably. This is true equally of this State as of the sister State of Travancore in the south and of the British District of Malabar in the north. Has not Mr. Logan, a former esteemed Collector of Malabar and a highly competent authority on matters relating to the Nair community, mourned over the fact that "with a large increase in their numbers and with comparative poverty of the large body of them the race is fast degenerating."

It is indeed gratifying however to note that, *pace* the Hon. Lt. Kavalappara Moopil Nair and His Highness Prince Ravi Varmah, the evidence before the Committee clearly demonstrates that the Nair community in the State is fully aware of the prime cause of all this, and is sorely feeling the necessity of the legal recognition of the marital tie, as also of parental responsibility in children, etc., as also of the other incidental rights of legal marriage as would promote the progressive welfare of the community. A large number of witnesses is in favour of the wife and minor children being placed under the guardianship of the husband and father and maintained by him, in spite of their having their food and raiment secure in their tarawad. A fairly large number declares that joint residence of husband and wife is now general or is becoming general, that there is a growing sense of the family tie as between the father and children, etc. The trend of evidence makes it clear that the prevailing sentiments and ideas regarding marital relationship have become so moulded into harmony with those prevailing in all higher civilisations that all other relations have to be considered as immoral.

As a result of this we find the community now eager to advance themselves on industrial lines and are cautiously seeking means towards that end. But the lack of capital is a heavy handicap which they are attempting to overcome.

Speaking of the system now obtaining in Canara, which is the same as obtaining in Malabar, Mr. Narayana Menon observes, "In the majority of cases, the formalities observed at the time of a marriage consists merely in an agreement between the elders where the parties are young, and in mere agreement between the parties themselves when they become older. As a result, a man and woman live together only so long as they prefer to do so, and I know that among the Tiyas in the Hosdrug division, it often happens that a husband or wife is changed every month. I have heard of several cases in which similar changes have been effected in marital relationship among the poorer classes of Bants, Bilawas, Ganigas and Moplas and have also come across one or two instances where several divorces were effected by a woman for purely economic reasons, (such for instance as for having a daughter born to her) among the higher classes of Bants also. Among the Aliyasanthana followers in the Holiya community the changes often increase from months to days". And this system it is that Mr. Menon holds up as absolutely *morat!* (G. O. No. 504, page 106).

The witness (XCII) would give no sort of recognition whatever to connections of a polyandrous nature, because "morality, prudence and policy alike dictated" such non-recognition. But he would not allow the interference of law to regulate marriage and to prevent irregularities of conduct in parties to the union which would engender mischief in the community. He does not think that morality, prudence and policy require this.

The Prince's opinion as to polyandry and polygamy.

"In the west there are usually said to be two theories of marriage, that of mastery, and that of equality. On the former the husband is lord of the wife's property as well as of her person. The law puts her at his mercy, trusting that affection, public opinion and a regard for domestic comfort will restrain the exercise of his rights. On the other theory, each consort is a lord to him—or herself, each can dispose of his—or her property, time, and local presence without the assent of the other. The law allows this freedom in the hope that affection, respect, and the opinion of the society will prevent its abuse." The tendency pointed out by Mr. Tottenham of a change of feeling in Europe and America is for a change from the first to the second theory. The revolt is against the mastery of the husband and the desire is to attain equality. The Anglican theory of marriage may be said to be a compromise between the two. It is the theory of a partnership in social life and in property similar to the partnership which necessarily exists as regards the children of a marriage. We in Cochin seek legislation on the basis of the theory of equality and partnership.

Two theories regarding marriage.

One great evil pointed out by the witness is based on the observation of Mr. P. Narayana Menon, that "there will be two hundred thousand unconscious cases of technical bigamy to-morrow, which may be brought up before the criminal courts, if there is a sufficient number of mischief-makers to bring them to notice". Mr. Narayana Menon, himself a Presidency Magistrate, while writing this, forgets that it is exactly so in all cases of new legislation which penalises an Act hitherto deemed innocent. Such legislation will be followed by innumerable unconscious infringements of the new law and consequent prosecutions. The legislature however does not on this account hold its hand from legislating against acts detrimental to the community.

The Prince
on the evils
of legalising
a marriage.

Mr. Narayana Menon's evil prognostications do not stop here. He predicts "an appalling amount of litigation and of huge cataclysms in the family life of the people", if this Regulation is enacted. And for what reason? He answers, "The various practices prevalent or tolerated in different parts of the State could not for legal purposes of evidence often be differentiated from the mere access of a man to a woman with the knowledge of one or two, and the Regulation would be a practical declaration that all unions between man and woman including of course *laison* would be marriages". Section 3 of the draft, properly read, would make it clear that all these would not come under its purview, for the section validates only marriages as are openly solemnised, etc. Mr. Narayana Menon is afraid that with a people who possess a considerably higher order of intelligence than those of Travancore the Regulation will lead to the dire calamities already prognosticated. Mr. Narayana Menon's acquaintance of Travancore and its people is not even that of a globe-trotter or of a bird of passage. I very much doubt if he has lived on Travancore soil for any length of time or associated with Travancore Nairs in their homes. He has had, no doubt, a sight of Travancore territory across the river at Anjengo when Deputy Collector of Cochin. Of the Travancore Nairs as a class and the degree of intelligence they possess, his knowledge, I am afraid, is almost *nil*. Of course I am subject to correction. I am myself a Travancorean who has lived in the Cochin State for over 40 years and the opinion I have formed is that there is no difference whatever with regard to the intelligence of the people in the two States. I may, however, quote here the opinion of Mr. Narayana Menon's name-sake, a Cochinite, a B. A. & B. L., and Vakil of the Madras High Court now practising in Palghat (Critic No. XVI—V. V. W. No. 143). He says "I have been in Travancore for about 3 years, and have had occasion to visit many places both in north and South Travancore, and I can confidently assert from that experience that the Nairs of Travancore are socially more advanced than we are in Cochin". A people who are more socially advanced can scarcely be said to be less intelligent at any rate.

Mr. Narayana Menon assures us that if the new law is passed, "75 per cent (of the people) would be unfit to realise their new state for another half a century or until they are dragged to the Police courts". Such is the higher order of intelligence that they possess; or can it be that the poor Travancoreans are in a lower deep than the lowest depth?

The Prince, however, thinks that "legal recognition will necessitate the establishment of orphanages and orphan asylums and that it would reveal to us in all their ghastliness many of the revolting practices existing in other parts of the world". That the legal recognition of marriage will bring about all these dire calamities is, indeed, a revelation. Orphanages and orphan asylums have not till now been known to be the result of *legal* marriages. The law of marriage has not brought them into existence so far as known, in any part of the world. The Prince has not vouchsafed to us what those ghastly and revolting practices the law of marriage has brought about in its train in other parts of the world. If all what he says is true it is very surprising that the civilised world has not yet given up legal marriage and adopted the Nair system. We may credit the world to know its own welfare, and yet according to the Prince all but the marumakkathayees must be fools, oblivious of their own interests.

Other evils
of legalis-
ing marri-
age pointed
out by the
Prince.

The Prince observes that he could not see "how a legal recognition of Sambandham can promote the moral welfare of the community". If Sambandhams are legalised, they will no more be "arrangements of convenience" as observed by V. V. W. No. 119, or mere 'bed-chamber arrangements' as observed by V. V. W. No. 136. The high class Nambudiries will no longer be able to say that their union with Nair women are not marriages (see witness Nos. 115, 155, etc.)

Some facts
for the in-
formation of
the Prince.

A Marriage Law will meet the complaint of V. V. W. No. 273 who condemns the immorality of present day young men who lead astray innocent young women. He

requests that the law should insist on all Nairs above a certain age to marry, and that if the passing of such a law is not feasible at least the Darbar should not confirm their Nair servants in their places unless they marry. The observations of the witness are instructive. Several witnesses bewail the present state of circumstances regarding sexual relations and loudly call for a law to set matters right.

There is no doubt that the Nair community has been lately advancing in the right direction with respect to their sexual relations. The fact, however, remains, as remarked by the Malabar Marriage Commission, that the state of morality in Malabar is still low. "Facts cannot lie", observes the Prince, and that is but the barest truth. It was not long ago that a witness in court, a veritable moral leper, I do not wish to disclose his nationality, when asked, as to what his profession was, naively informed the court, that he employed himself often in acknowledging the paternity of children born to Nair females in the pseudo-respectable families, who had no husbands and that he used to be fairly remunerated for this. It is the common knowledge of practitioners in courts that witnesses admit or deny their Sambandhams in the families of the parties according as the relationship of the witness, if disclosed, may stand in favour of or go against the party for whom he is giving evidence. It is in my own experience, though I was not myself engaged in the case, that a Nambudiri, who was engineering a civil suit in the interest of his Nair son, flatly denied the relationship when asked in the box, though he had previously admitted it in a deposition given before another court. Similar instances are of almost daily occurrence in all the courts. All these reveal a deplorable state of circumstances not conducive to the moral welfare of the community. A little of worldly experience will convince any one of this. A marriage law will certainly improve matters.

No material advantage will result. Mr. Tottenham referred to.

The Prince is also of opinion that the legal recognition of Sambandhams will not be productive of any material advantage to the community, and he refers to certain stock arguments said to be employed by those who consider otherwise. The first argument stated, as used by them, is that the present system checks education and the second is that it hampers trade and industry. The Prince, following Mr. Tottenham, denies the correctness of these and points to the marumakkathayam Moplas and Thiyyas of North Malabar as contradicting those who urge these arguments. I need not dilate on these matters here as I have already considered them elsewhere. I may however point out, first, that the law as it is, does not impose on the karanavan the duty of giving higher education to their anandaravans, and the tarawad is not chargeable with expenses of education in a foreign language. (See 8 Madras Law Journal, page 294). No doubt in the matter of female education, and of general education as well Malabar has always been in the forefront. It has been so even in the prehistoric days of Malabar chivalry. "All knew" says Mr. Elie Reclus, "at least how to read and write, but the chief part of their education was carried on in the gymnasium and the fencing school!" This is but the outcome of the early relations with the higher castes such as the Aryan Nambudiries and Kshatriyas, a happy circumstance which has conduced to the welfare of the Nair community physically and intellectually; so much so that the community wants its continuance, though now not in its old perverted fugitive form, but on a legal basis. Witnesses are in favour of such relation, while only 25 are against it.

It need not be pointed out that the marumakkathayam Moplas have a law of marriage, the Mahomedan Law, and it is significant that these Moplas have recently sought for and obtained from the legislature a law (Act No. I of 1918) changing their succession to self-acquired property from the nephews to their heirs under the rules of Mahomedan Law. As for the Tiyyas, see the observations of Sub-Judge Mr. Rozario, quoted by the Madras High Court, and reproduced in para 76 of the Malabar Marriage Commission Report.

Two classes of men who oppose any change.

There are two classes of people who oppose interference with the present system, one for the reason that it is of divine origin, and the other, like the Prince, that the present system is the *simplest, purest, noblest* that can be devised. To these I may make a present of the following observations of Raja Manavedan Raja, a conservative gentleman and a staunch upholder of marumakkathayam, who is of opinion that legislative interference with the present system is necessary. The Raja says:—"There are those who consider that the marriage customs or rather the no-marriage customs of Malabar are not to be interfered with. On the one hand, the Brahmans and those who worship the Brahmans look upon the existing custom as divinely ordained by an incarnation of Vishnu for the special benefit of the Brahmans, on the other hand, there are educated people including even Europeans, who think (at any rate they say so) that the liberty allowed to both sexes in Malabar is a state

of supreme felicity which even civilised nations are striving after. (Mark the observations of Mr. Loftus-Tottenham). It is hardly necessary to discuss the arguments of either of the parties. The first is ridiculous, the second, I believe, is not sincere or serious. I believe that marriage should be recognised by law and enforced as such, not so much to remove the sentimental stigma that the Malayalees have no valid marriages as to give the rising generation the indirect benefits incidental to a valid marriage".

It is really difficult to understand why the Moopil Nair should object to the legalising of marriage. For he observes, "One who is clearly acquainted with the marumakkathayam society cannot fail to realise that whatever may have been the conditions of the society in the beginning, a new spirit has pervaded it, that the Sambandham is no longer considered the loose tie dissoluble at will, that there is as much sanctity attached to it as to any religious form of marriage and that especially among the enlightened classes, it is synonymous with marriage, and that by custom there is as much legality vested in it as in the so-called marriages. There is also a general feeling current that the husband or father is bound to maintain his wife and children. As a result of this feeling we see in a large number of cases persons are making provisions for their wife and children". This is indeed very true of the more respectable classes though as much cannot be said of all classes in the community. These observations perhaps furnish the strongest reasons in favour of legalising such union so that the benefits of the custom said to exist amongst the enlightened classes may be extended to all classes of the community and enforced by law.

The Hon.
Mr. Kavalapara Moopil Nair's (Critic No. IX) objections.

There can be no objection to legislation on the score of religion though the Hon. Mr. Kavalapara Moopil Nair (Critic No. IX) raises the cry of 'religion in danger'. The Malabar Commission in para 49 of its Report says, that "they do not think it can be shown that the introduction of a Marriage law would offend in any way the religious convictions of marumakkathayam Hindus". That is also the conclusion arrived at by the learned President (See para 12 of his memo).

With Prince Ravi Varmah, the Hon'ble Kavalappara Moopil Nair also argues that while in the west they are struggling for freedom in marital life, we are endeavouring here to shackle ourselves with everlasting chains. He says, "whereas in the civilised west they are labouring to make the marital law simple and elastic, alas, we have here a few endeavouring to make it cumbrous and rigid". I have already tried to explain why in the United States and in some countries of Europe, there is a hankering after relaxation of a so rigid and unelastic marriage law now in force. Professor Giddings of the Columbia University, New York, observes that "there are reasons to believe that the phenomenon is temporary and that a more stable form of the monogamous family (that is family in which there is the union of one husband and one wife, in the expectation and promise that the marriage will be of life-long duration) is developing, will be presented in another Chapter". (Book II, Chapter 3, pages 156 and 157, and in Book III, Chapter 3, pages 414, etc.) Professor Giddings goes more fully into the subject and substantiates his position. I have already quoted from pages 349 and 350 of the 'Principles of Sociology' the conditions which brought about this extremely undesirable phenomenon, and I am sure that neither His Highness the Prince nor the Hon'ble Lieutenant will be desirous of bringing about these deplorable conditions in the Nair household.

The Hon'ble gentleman bewails that the endeavour is to make the law cumbrous and rigid. If he had carefully studied the memorialists' Draft Bill, he would have found that instead of this the memorialists are simply seeking legal recognition, which is now denied by courts, of existing customs which are socially recognised. As for divorce, the Draft Bill provides for free divorce with compensation for the injured woman. Of course, civil rights arising out of legal marriage are also provided for. How this can be called cumbrous and rigid transcends one's comprehension.

The Prince warns us of the fate of the Malabar Marriage Act, and so does the Hon'ble Kavalappara Moopil Nair. The Act is said to be practically dead. It has not worked because of inherent defects in it, as will be apparent from the suggestions for amendment forwarded by the Mannarkat Moopil Nair recently to His Excellency the Governor of Madras. There are various other reasons conducing towards its unpopularity, some of which are set forth by Mr. L. K. Ananthakrishna Iyer in the 2nd Volume of "Cochin Tribes and Castes". The dismal forebodings of the Prince and Mr. P. Narayana Menon and the blessing bestowed on the 'Cochin Regulation' by the Hon'ble Lieutenant Kavalapara Moopil Nair need not scare us away. The Travancore Nair Regulation on the lines of which the Draft Bill is drawn up has not been, as far as is known, a failure. None of our Travancore witnesses refer to it as a failure. But we are told by the Hon'ble and allant Moopil Nair that "as Cochin State partakes more of the character of Malabar than

The Malabar Marriage Act. A complete failure.

Travancore, I think a legislation on the lines of the defunct Malabar Marriage Bill of 1885 and the unsuitable Nair Regulation of Travancore is quite uncalled for, unnecessary and inexpedient". Why or how the Nair Regulation is "unsuitable" the Hon'ble gentleman has yet to explain to us. Those who are entitled to speak with authority and experience have not been able to discover any great difference between the Nair communities of Malabar, Cochin and Travancore and there are men of position in British Malabar who think that the Nairs of Travancore and British Malabar are similarly circumstanced.

Mr. K. Raman Menon, B. A., B. L., (Madras), B. C. L. (Oxon), Bar-at-Law, late Chief Judge of the Chief Court of Cochin, and now Chief Justice of the High Court Travancore, who knows all the three countries intimately, says in the course of one of his judgments as the Chief Judge of Cochin, "Though Cochin, Travancore and British Malabar are politically distinct and separate territorial areas, the essential solidarity of the Nair community which inhabits these Provinces cannot well be doubted. Speaking with reference to this community, we may say that a traveller touring the coast from Gokarnam to Cape Comorin, will meet with essentially the same social organisation, the same institution of customary law, the same code of social etiquette and ceremonial observances".

Diwan Bahadur C. Krishnan, M. A., Barrister at-Law, Chief Judge, Court of Small Causes, Madras, observes in his opinion on Mr. Raman Menon's Bill "that the enactment (Travancore Nair Regulation I of 1888) legalised Sambandhams among a people exactly circumstanced as the marumakkathayam people in Malabar now are. Judging from this, we expect the people in Malabar will welcome the principle of this Bill". (G. O. No. 50 page 17).

Then again Mr. Pootheri Ravunny Nair observes in the same connection, "This bill like the other, is largely based upon the Travancore Nair Regulation. The trend of thought and sentiment among the marumakkathayam Hindus of Malabar, to the best of my knowledge and belief, is parallel with that of the same community in Travancore, etc." (Ibid page 190, etc.) The Hon'ble Mr. Kavalappara Nair does not tell us how the Travancore Nair Regulation is unsuitable.

It is curious, however, that Rao Sahib K. P. Govinda Menon, to whom Mr. Moorjibai Nair refers as high authority, with absolutely no experience of Travancore or Travancore Nairs, speaks of the latter as 'Tamilised Malayalees'. He says that "Travancore consists mostly of Tamilised Malayalees, or Malayalised Tamilians, (except in the extreme north where they still call themselves Pillais rather than Nairs and who already follow a mixture of Tamil and Malayalam customs and who will not therefore feel that repugnance to a change in purely Malayalee habits and manners which the marumakkathayam people of British Malabar exhibit" (Ibid, page 81). This is news indeed to the Nair community throughout the three countries.

It is in this way that Mr. Govinda Menon attempts to bridge over the difficulty of the welcome accorded to the Nair Regulation in Travancore by the people. The colossal ignorance herein displayed by Mr. Govinda Menon with respect to Travancore and the Travancore Nairs and their customs is simply phenomenal. On the argument of Mr. Govinda Menon he himself is not a Nair, because he calls himself a Menon and not a Nair. A Nair Pillai of Travancore is as much a Nair¹ as a Menon of any part of Malabar. The term 'Menon' does not denote a Nair². Both of them denote a "Scribe," an accountant, and are titles conferred on Nairs, the one by the Zamorin, and the Raja of Cochin, and the other by the Raja of Travancore. That the terms 'Menon' and 'Pillai' denote a scribe, a writer or clerk or accountant is clear from the circumstance that we hear of 'Menon pattar' as 'Pillai pattar' in Cochin and in Travancore, meaning a Pattar (East Coast Brahman) who is a clerk or writer or accountant. The Rao Sahib may be surprised to hear that there are even 'Menon Pillais' and 'Pillai Menons' according as the individual concerned is a Cochinite in Travancore service, or a Travancorean in Cochin service, and that while one brother styles himself a Pillai the other brother calls himself a Menon. I have personal knowledge of this and I have found it among my own relatives. One need not marvel at the ignorance of the Rao Sahib regarding Travancore. Mr. Govinda Menon's acquaintance of Travancore is, so far as I have been able to know, absolutely *nil*. I believe he has not set his foot on Travancore soil, nor has he come across Travancore Nairs in the Travancore country. He has not himself mingled in Travancore Nair society, and his reading of literature regarding Travancore and its people must, indeed, be very meagre. Had he been correctly informed of Travancore Nairs and their customs and manners in their true light I am perfectly certain that he would not have committed such a palpable error—a grievous blunder—as to say that the Travancore Nairs "already follow a mixture of Tamil and

1. Cochin Law Reports, Vol. IV at page 116.

2. In Travancore 'Pillai' is the caste name of Nairs; പിള്ള, accountants. See Dr. Gundert's Malayalam Dictionary, page 687.

3. Title of Sudra writers. An agent appointed by a Raja with the gift of a style on palm-leaves. Ibid page 859.

Malayalam customs". Of course there will be local colouring to customs everywhere. As for that matter the customs prevalent in North Malabar vary in detail from those obtaining in South Malabar or Cochin. I know Mr. Govinda Menon has come across some Nairs of the extreme north of Travancore with whom he has fraternized while in Madras, and these he admits are real marumakkathayam Nairs and not "Tamilised Malayalees or Malayalised Tamilians". It is to men of the Rao Sahib's stamp that the opponents of the Cochin Bill appeal. Further comment is needless.

On the question of legalising marriage, I would respectfully invite the attention of the Darbar to the opinions of Raja Vasudeva Raja, C. I. E. of Kollengode (G. O. No. 504, page 282); of Raja Rama Varma Valia Raja of Chirakkal, (Ibid, page 184 etc.), both members of the conservative aristocracy, and of Mr. V. A. Brodie, I. C. S. (Appendix III, page 396, Malabar Marriage Commission Report). The Hon'ble Sir C. Sankaran Nair's minutes of opinion and its enclosures are of special importance (see G. O. No. 504, pages 131 to 141).

Let us now turn to the subject of inter-divisional marriages, i. e., marriages between members of different sub-divisions of the class known as Nairs. There is at present considerable difference of opinion as to the validity of such unions and we have to see if there is any rational basis for such difference. Inter-divisional marriages.

While some ethnologists are inclined to regard the Nairs as belonging to the original aboriginal tribes inhabiting the west coast, others attribute to them an Aryan, a Turanian, a Scythian or a Dravidian race-origin. The better opinion seems to be that they are a class of Dravidians in whose veins runs a large admixture of Aryan blood, consequent on the intimate relations that existed for ages past between the Aryan Nambudiries and the Dravidian Nair females. The high class Nair is, at present, scarcely distinguishable in physical features from a Nambudiri. We may remember that one of our Nambudiri witnesses, I. W. No. 61, exultingly declares that the affluence of 75 per cent of the Nairs is due to gifts of property made by the Nambudiries. The Nairs. Their origin.

There has been, and there is, an ever-increasing number of sub-divisions in the Nair community. The Nairs, it has been said, are more a tribe than a caste.¹ Bhattacharya reckons them as such in his work on 'Hindu Castes and Sects'. The community is an elastic and an expansive body. Besides stretching itself wider and wider from the inside, it receives accessions from various sources, and though it professes to be very exclusive, it has been, as a matter of fact, always assimilating to itself, and is even at present doing so, elements altogether foreign to it. On the other hand, there is a tendency within the community itself, as already mentioned, to split into smaller sections with new caste pretensions. "Mr. Edgar Thurston", says Professor Hadden, "refers to successive waves of different castes and tribes from Canarese and Tamil countries; these settled down, adopted the customs and manners of the more respectable of the community that surrounded them. This process of assimilation is going on even yet. Chetties of Coimbatore, x x x Gollas from the north, have similarly in course of time, assumed Nair customs and manners and are styled Nairs. Again the Rajas and Chieftains of the country sometimes raised individuals or classes who had rendered them meritorious service to the rank of Nairs, but formed a separate sub-division with little or no communion with the rest of the Nair class, until at last, after the lapse of generations their origin was forgotten²."

This process is, even to-day, going on in the Cochin State. Speaking of the Tharakans, Mr. L. K. Ananthakrishna Iyer, the State Ethnographer, observes, "The Tharakans are a Tamil class and are the least Malayalee to be brought on a level with the high-caste Sudras (Nairs) though in their customs they are almost like the latter. A similar process of assimilation has been and is going on among some of the Tamil castes of the Chittur Taluk as well as elsewhere, by which the members of such castes are developing themselves into Nairs..... This process of assimilation has come under my personal notice in the course of my investigation. It is said that a Muthan may, in course of time, become a Tharakan and then a Nair³".

Under these circumstances it is somewhat difficult, at present, to define who a Nair is; as required by a number of witnesses. But for all practical purposes it may be said generally that a Malayalee who attaches, or more correctly who is entitled to attach, any one Definition of the term Nair difficult.

1. See Census Report of Cochin for 1901, part I, page VI.

2. Introduction to 'Cochin Tribes and Castes' Vol. 2, page XFY.

3. 'Cochin Tribes and Castes' Vol. 2, pages 17, 18, 108, 118, and 119. See also Census Report for 1901 Part I, page 166.

of the following titles to his own name, who follows the marumakkathayam law of succession, and may enter the Brahman temples of Kerala and bathe in the tanks attached to them, without polluting them, belongs to one of that class of Malayalees now known by the name Nair.

And these titular suffixes in general use are:—Karthavu, Kuruppu, Kaimal, Unnithan, Valiathan, Nambiar, Kitavu, Nayanar, Achan, Menon, Menokki, Moothar, Panikkar, Patanayar, Mavalar, Perimbrar, Pralar, Arimbrar, Taravanar, Mannadiar and Eleydam. Those of Pillai, Chempakaraman and Thampi are peculiar to Travancore while some of those mentioned above are extent only in particular localities. The list cannot be said to be exhaustive.

According to the '*Jati nirnaya*', a Sanskrit work attributed to the great Sankaracharyar, the Nair caste is divided into 18 sections. These are:—(1) Kiriyaatil Nair, (2) Illakar (3) Swaroopakkar, (4) Padamangalam, (5) Tamilppadam, (6) Edacheri, (7) Maran, (8) Chempukotti, (9) Odathu Nair, (10) Pallichan, (11) Matavan, (12) Kalamkotti, (13) Vattakadan or Chakkala, (14) Asthikuruchi, or Cheetikan, (15) Chetti or Vyapari, (16) Chaliyan, (17) Veluthedan, and (18) Velakkathalavan. The first 14 form the high-class Nairs while the remaining are considered as polluting classes.

Suggested definition.

If a definition is necessary at all, I would propose the following:—

"The term 'Nairs' mean and include all those who are recognised as such by the community and do not include Veluthedan and Velakkathalavan and such as those who according to the custom of the country cause pollution by touch.

The Nairs—their different classes.

The Cochin Census Report for 1901 enumerates the following as high caste Nairs:—(1) Kiriathil Nair, (2) Illath Nair, (3) Swaroopath Nair, (4) Menokki, (5) Pattola Menon, (6) Marar, (7) Padamangalam Nair, (8) Pallichan, (9) Chempukotti, (10) Otath, (11) Edacheri, (12) Vattakadan (13) Anduran (14) Asthikuruchi. The low caste Nairs include (1) Tharakan, (2) Velakkathalavan, (3) Veluthedan and (4) Chaliyan (page 156).

Mr. Ananthakrishna Iyer says, that in regard to sub-divisions there is no uniformity. So numerous and varied are they in Cochin, Malabar, and Travancore that titles of distinction that have been conferred upon certain families, from time to time, are being looked upon as sub-castes. Mr. Ananthakrishna Iyer adopts the same classification as the Census Report, but clubs together Menokki and Pattola Menon into one class, and adds another, viz., Charnath, which, again, is sub-divided into Akath Charnath and Purath Charnath.¹

The high-caste Nairs have, in course of time, split themselves into a large number of sub-classes, and the process of division, as already observed, is still going on. From the schedule of the Travancore Census Report for 1901, we see that, in that State, there are over a hundred and thirty such sub-sections. The Census Commissioner has by a process of resolution compressed them into forty-four.

The Census Report for Malabar for 1881 shows 138 sub-divisions of the Nair caste. Mr. Fawcet in the Madras Museum Bulletin says that "the Nairs are divided into clans, (we will call them clans for want of a better term), many of which intermingle through marriage, but some of them are endogamous". The precise number of these clans, he adds, cannot be given as it is disputed whether certain of them have a right to belong to the cognate Nair body. Mr. Fawcet gives the names of some 21 clans, most of which are not to be found among the sub-divisions above enumerated.²

The classification is based on profession.

It will be observed that the above classifications are based, more or less, on professions and occupations. Some of these are, by common consent, graded in a settled order of caste-precedence, whilst others dispute their place in the list, each claiming its own caste superiority. "There are amongst the Nairs", observes the writer quoted in Appendix I of the Malabar Marriage Commission Report, "numerous sub-divisions so nice and capricious that the men and women of one caste will not eat meals prepared by the members of another, nor sit for eating together in the same row". The Malabar Marriage Commissioners point out that "caste precedence amongst these sub-divisions is a burning question and, as there is no authority to settle disputes as to precedence, the first result of such a dispute is that the disputing divisions will not eat together, and this leads to a cessation, and ultimately to a prohibition of intermarriage". (para 12).

1. Cochin Tribes and Castes, Part II.

2. Madras Government Museum Bulletin, Vol. III, page 187.

The division of the Nairs into sub-classes have no religious basis whatever. They are the outcome of social superiority exercised by those who are placed in a position of wealth and influence, over their poorer and lowly circumstanced brethren. In Malabar the Rajas have always claimed and exercised the right of even raising other castes so as to come into line with the Nair community, as also to raise members of the lower class of the community to the higher. (See Mr. Haddon's remarks quoted supra). The Cochin Census Report for 1911 says in para 95 that a Tamil Sudra could be made a Nair, and any one could be raised to a superior sub-caste "by the Raja presenting him with his own hands in a vessel of water." In Travancore adoptions are made, under royal writ, of persons of a low order into families of a higher order so as to raise the former into a higher class¹.

Division into sub-classes has no religious basis.

I. W. No. XXXII Mr. A. Sivarama Menon, B. A. & B. L., Vakil of the Madras High Court, has given us a vivid description of the present practices observed in the matter of inter-marriages between sub-divisions of the Nair castes. The late Mr. K. R. Krishna Menon, retired Sub-Judge, says in his answer to questions 2, 3, 4 and 5 of the interrogatories put by the Malabar Marriage Commission, that "according to the original institutes of Malabar the Nairs are divided into 18 sects, between whom, except in the last two, inter-marriage was permissible; and this custom is still found to exist to a certain extent, both in Travancore and Cochin. This rule has, however, been varied by custom in British Malabar, in which, a woman of a higher sect is not now permitted to form Sambandham with a man of a lower one. This however will not justify her total excommunication from her caste, in a religious point of view, but will subject her to some social disabilities x x x the disabilities are the non-invitation of her to feasts and other social gatherings. But she cannot be prevented from entering the pagoda, or bathing in the tank or touching the well, etc. x x x The restriction is purely the creature of class pride, and has been carried to such an extent as to prevent the Sambandham of a woman with a man of her own class, among certain aristocratic families. For instance, a lady of the 'amorin's family is not allowed to consort with a man of Earadi, Vellodi, or Nedungadi sect although he is of the same sect with her. In like manner, amongst the Kiriam, Pallichan, and Charna sects who have attained some *Edaprabhuship* (middle lordship), the ladies are not permitted to consort even with the men of their own sect. In the families of Pozhava-i Nair, Kavalappara Nair, Poomgat Nair, Mannoor Nair and those of other *Edaprabhus*, this rule is strictly observed as they still think that it is more honourable to allow their ladies to be kept by Brahmans than being allowed to consort with the men of their own sect. This prohibition is somewhat similar to that obtaining among the Brahmans on the other side of the Ghats, where it is not customary for a man of Vadama sect to marry an *shtta* Sahasram girl, and vice versa, but when a marriage actually takes place between them do not think that the law will go to the length of declaring the marriage invalid on that ground. It is true that the relatives will at first kick up a row, but they will become gradually cooled especially when the marriage parties are influential²".

Present practice with regard to inter-marriage between sub-divisions.

The late Mr. T. Kunjiraman Nair, Judge, High Court, Trivandrum, says, "I know of no absolute prohibition against inter-marriage between different divisions³".

It is thus clear that these distinctions have no basis in religion or positive law. either have they the support of any customary law. They are not universal, invariable, or so old as the memory of man runneth not to the contrary"—incidents which turn long-standing practice into customary law.

Regarding these prohibitions of inter-marriages and the social bickerings consequent upon them, the Malabar Marriage Commissioners observe that the "Nambudiries smile at these disputes and precedence and regard all Sudras (Nairs) as on the same level. A woman disregarding the rule of Anulomam is therefore not necessarily excluded from the temple, the temple tank or any religious privileges". "Many of the answers show", adds the Report, "that the rule of Anulomam is often disregarded in Native Cochin and some adjacent parts of Malabar. The rule is inconsistent with the institution of marriage inasmuch as, (in the words of Mr. Sankariah, Diwan Peishkar of Native Cochin), 'often the parties with Sambandham are so widely different in caste that the man must bathe after contact with the woman, before he can pray or take his food'" (para 17).

The attitude of the Nambudiries.

V. V. W. No. 93 before the Malabar Marriage Commission (Olappanna manarayanana Namburipad) says, "I don't think intermarriage between sub-divisions of

1. VII T. L. R. page 67.

2. Appendix B, page 219.

3. Ibid, page 124.

See also views expressed by Messrs. K. P. Krishna Menon, Bar-at-Law, and K. P. Raman Menon, B.A. & B.L., High Court Vakil, Ibid, 306 and 307.

Sudras (Nairs) who do not usually intermarry would entail the penalty of exclusion from the temples¹”.

I believe I have shown sufficiently that the class or caste sub-divisions in the Nair community has no basis in religion. It was on the misunderstanding that in Malabar society recognised caste as a *quasi* religious institution, that the President of the Malabar Marriage Commission recommended “that the State should not repudiate caste distinction and that it should tolerate such restrictions only so far as they have a legal origin and passed into what might be deemed a customary law, and that society should be left free to alter them from time to time with reference to their requirements of social progress”. The Madras Government, however, overborne by its sense of religious neutrality, cautiously observed “that it will be enough if the law would attach the proposed legal incidents to connections which are in accordance with the customs of the caste of both parties and preferred to make no attempt to specify these customs; room will, in this way, be left for development and change of custom which should, of course, have to be proved in accordance with established legal principles”. Such extreme overcaution will indeed be out of place in a native Government legislating for its native subjects.

The Hindu Law on the subject.

If we look to the authority of the Smrithies, they are either unsettled or conflicting as to the propriety of mixed marriages. I have already quoted some of the views expressed by them. Mr. Rattan Lal, B. A., L. L. B., has shown, in his article on “The Hindu Marriage (validating) Bill” in the November number (1918) of the ‘Vedic Magazine’, that—

(1) “Some of our Smrithies and Sastras are against mixed marriages, others are in favour of them.

(2) Some of our Sastras are silent² on Pratiloma marriages, i. e., marriages between a man of a lower caste with a woman of a higher caste, others place them on an equal position.

(3) Though some writers consider mixed marriages inferior, they do not nevertheless question their legality”.

However this be with regard to the higher castes, it is significant that in Hindu Law the prohibition does not extend to sub-divisions of the Sudra caste³. It is further significant that out of 382 witnesses questioned on the subject of Pratiloma marriages, 221 answer that the union of Nair females with Nair males of any sub-division of the Nair caste is valid. Even the 161 witnesses who say otherwise admit such unions entail only social ostracism and the parties do not forfeit their legal rights in their tarawads. They add that such unions are in the increase, and a large number of them recommend that such unions should be encouraged.

Madras High Court dis-countenances such distinctions.

Interrogatory witness No. 32, Mr. A. Sivarama Menon, has in his answer to question II (b) 1 and 2 at page 94, given us an instance of a case that came up before the Madras High Court where it was contended that a marriage between parties belonging to different sub-divisions of Charna caste or class of Nairs was invalid. The courts below held that the Sambandham was “a heinous violation of caste rules”. Both the Munsiff and the subordinate Judge who had held the Sambandham invalid were Nairs. In the High Court Their Lordships “expressed” their strong disapproval of the particular reasons alleged by the courts below. . . . and one of the learned Judges expressly held that “a marriage between an Akathu Charna Nair and Purathu Charna Nair is absolutely unobjectionable”.

Class distinctions not unknown to other civilized societies.

Class distinctions, such as those noticed above, are not unknown even in civilised societies. But modern civilisation tends to pull down the barriers which separate the various classes of society, just as it tends to diminish the differences in interests, habits, sentiments, and knowledge. Blood no longer determines, to the same extent as before, man’s social position, and nobility has become a shadow of what it was. ‘Rank is now but the guinea stamp’. Although in no way prevented by law, marriages out of the class are generally avoided by custom even in the civilised west. “The order or endogamous limit

1. Appendix IV, page 69.

2. Memo para 16. II, III. Supplementary Memo, paras 10 and 11.

3. Letter to the Government of India, Home Department, dated Ootacamund, 26th September 1892, No. 64 Legislative, para 13 (b).

4. Hindu Law of Marriage and Stridhanam. Dr. Gurudas Bannerjee, pages 74 to 76.

within which a man or woman must marry", says Sir Henry Maine, "has been mostly taken under the shelter of fashion or prejudice. It is but faintly traced in England, though not wholly obscured. It is (or perhaps was) rather more distinctly marked in the United States, through prejudices against the blending of white and coloured blood".¹

However, as observed by Sir John Woodroff, "There is a liberty to 'marry beneath one', but those who do so 'may be cut off with a shilling', and socially 'boycotted', unless they happen to possess that open sesame which is wealth. For to the God of Money many make the fullest obeisance" (page 179, *Is India Civilised?*). How true of Malabar?

This prohibition is calculated to create disunion in the caste, to prevent social amenities and to engender a spirit of exclusiveness that would ultimately break up the nation. National unity is imperilled, and this was perhaps the object of those who originally started it and fostered it subsequently. The charge cannot certainly be laid at the door of the priesthood. It rests mainly on the shoulders of the so-called aristocracy of the country. Witness No. 246 who is so very strong in maintaining the present interdivisional caste system is the promotor and proprietor of a monthly Magazine, the 'Kerala Kesari', which prints at the head of it the following verse:—

“അതതത്ര വിരോധം മിനവഗ്ഗങ്ങളെല്ലാകൊണ്ടു ചരടിമിണക്കി കോണുവൃഷ്ടങ്ങളെല്ലാ
 വപാരുളിതു തെളിവാക്കി കേരളത്തിന്റെ നന്മയ്ക്കുമാരകം അടിനിയണം ചെയ്യുവിൻ നാട്ടുകാരെ”.

Seeing then (1) that the sub-divisions have no religious basis,

(2) that, they are the result of mere caprice,

(3) that, the Nambudiries, the priesthood of Malabar, do not recognise them,

(4) that, the Hindu Law does not extend prohibitions of marriage to sub-divisions of the Sudra caste,

(5) that, they have no legal origin,

(6) that, (പ്രതിലോകം) Prathilomam marriage entails no excommunication from castes, of prohibition from entering temples or from bathing in the temple tanks, from touching wells, etc.,

(7) that, no forfeiture of rights in the tarawad is incurred,

(8) that, the witnesses speak of mere social ostracism only, i. e., interdiction from invitations to family feasts and ceremonies of the parties to the social union,

(9) that, the custom in most parts of the Cochin State, as spoken to by the witnesses, permits marriages between sub-divisions of the caste,

(10) that, a large number of the witnesses is of opinion that the prohibition is meaningless, and that, there is a growing consciousness that it is untenable,

(11) that, the Madras High Court has recently held, that the marriage between two sub-divisions of the same class is "absolutely unobjectionable",

(12) that, such marriages are likely to lessen the tightness of the marriage market so bitterly complained of by some of the witnesses,

(13) that, the tendency of modern civilisation is to break down such barriers, and

(14) that, the prohibition is calculated to create disunion in the community, to engender a spirit of exclusiveness that would ultimately lead to disruption of the community and would imperil national unity,

I make bold to recommend that no such restrictions or any reference to the so-called caste custom should find a place in our marriage legislation—much less should such interdivisional marriages be declared invalid. Before concluding this part of the subject, I may be permitted to refer to paras 42 and 43 of my Travancore memo.

The Nairs being a materlineal people, the only restriction subsisting at present is that there cannot be inter-marriage between descendants of any female ancestress. These have community of pollution. They may have lost community of interest by long separation or partition. Now that Nair marriages are to be made legal, giving rights to maintenance and inheritance as against the father or husband, the question is, should the restrictions against intermarriage between persons related to each other be extended to the paternal side also, and if so, to what degree?

Summary
of argu-
ments.

Consanguinity and affinity.
The Nairs a materlineal people.

1. Early law or custom, page 224; Westermarck, page 373.

Views of Laterneau and Westermarck.

According to Laterneau the family has at first been matriarchal or rather maternal, and with such a family system the children have no legal father; the prohibition relative to incest could, therefore, at the most, only exist in regard to the female line, and, in fact, we find it to be so in many countries where this system of filiation prevails'. Dr. Westermarck observes that prohibition to consanguineous marriage between kindred is not due to any innate aversion to marriage with near relatives, but there is an innate aversion to sexual intercourse between persons living very closely together from early youth, and as such persons are in most cases related, this feeling displays itself chiefly as a horror of intercourse between mankind. "Among the Nairs", says he, "a household the members of which are strictly prohibited from sexual relation with each other, includes as a rule, many allied men, women and children, who not only live together in large common houses, but possess everything in common, prohibitions against incest are very often more or less one-sided, applying more extensively either to the relations on the father's side or to those on the mother's side according as descent is reckoned through men or women".

The practice in Cochin.

While in South Malabar, according to Sir T. Muthuswamy Iyer, prohibition of marriage by reason of affinity, in the opinion of many people, is confined to such relations as stand in the position of parent and child (Memo, para 11), in the Cochin State the prohibition extends to union between a man and his brother's daughter or father's sister and many more of a similar nature. Though not common, there is no objection to marrying a deceased wife's sister. The last position is however contradicted by Mr. L. K. Anantha-krishna Iyer who says, that in Cochin among the Nairs, "a man may not marry the sister of his deceased wife". Many instances of such union have come within my experience. Marriage with a father's niece is very common; though not very common with a brother's step-daughter, i. e., daughter by a deceased or divorced husband and very rarely with a brother's daughter. I have heard of an instance in which one of the priestly class allied himself to his own uterine sister with immunity on the ground that the woman had been born to his mother when she was suspected of adultery but not convicted and had been therefore degraded into the Nangiar class. But this is an old story and has to be taken cum grano salis. But I have been told of a very recent occurrence, of the truth of which I have no reason to suspect, that one of the class above mentioned proposed an unnatural and unholy alliance with his own daughter by his deceased Nair wife and was ignominiously kicked out of the house by the irate karanavan.

I know of an instance in which an alliance was proposed between the son and the daughter of the same man by different wives. Happily the son was an educated man and therefore felt horrified at the idea. Yet again, I am aware of a case in which a man had actually contracted an alliance with his maternal grandfather's daughter by his second wife. These are no mere abnormal cases. In each case the alliance was promoted by the elder members of the families and had the complete approval of all around.

Prohibition under the Hindu Law

While the marumakkathayam system prohibits marriage with relatives on the mother's side by reason of consanguinity, and only stops short of preventing marriage between parent and child, the Hindu Law by reason of affinity reckons about 2,121 possible relations as rendered ineligible for marriage. The rule is thus stated :—

"To one who is not of the same Gotra, who is not of the same Pinda, whose Pravara does not contain a common element, do thou marry thy unmarried daughter".

Where the relationship arises from mere affinity, as distinguished from consanguinity, a marriage may be improper, but is not forbidden, in the sense of being invalid. For instance, a man may marry the daughter of his wife's sister, or his wife's sister, niece or aunt, or the sister or niece of his step-mother or a paternal uncle's wife's sister or niece".

The prohibited degrees in the case of collaterals in Hindu Law extend much further than they do in other systems such as the Jewish, the Roman, the English, the French and Mahomedan. In none of these does the prohibition of marriage between collaterals extend further than to marriages between brother and sister, uncle and niece, aunt and nephew and great aunt and grand-nephew. * * The prohibition by reason of affinity,

1. The Evolution of Marriage and of the Family by Ch. Laterneau, page 65.
2. History of Human Marriage pages 820 to 825.
3. Census Report for 1901, part I, page 161.
4. Cochin Tribes and Castes, Vol. II, page 20.
5. Mayne's Hindu Law, 8th Ed., pages 104 and 105.

which exists in other systems, has no place in Hindu Law. But the prohibition of marriage with *Sapindas* to some extent supplies its place, and so did the prohibition of widow marriage¹.

Though Dr. Westermarck has started the theory that aversion to marriage between near blood-relations is due more to close association than to near kinship, he observes that consanguineous marriages, in some way or other, are, more or less, detrimental to the species². Professor Giddings of New York observes that "the evidence that close inter-breeding is injurious to animals and to men is familiar and is generally accepted as conclusive". (*Principles of Sociology*, page 96). It is exactly on this ground that I would recommend that such marriages should not be encouraged, or even tolerated. The Nairs are at present a degenerate race physically. Both men and women are but sorry specimens of their more virile and manly ancestors. We need only compare the physique of the figures appearing in the frontispiece illustration to the 1st volume of 'Cochin Tribes and Castes' entitled 'The Raja of Cochin and his Nairs' which appears again in the Cochin State Manual figures which resemble the classic status of Grecian and Roman Art—with the sorry specimens of humanity that pass before our eyes every hour in the day to see how the race has degenerated within the last three or four hundred years. One has only to read the glowing description of the bravery, the fighting qualities, and the splendid physique of the Nairs, mentioned as the 'finest soldiers in the world' by early travellers like Johnstone, Linchotten, Pyrard d'Lavel, Della Vella, Thevenot, Ralph Fitch and others as also the testimony borne later still by the French General Labourdonois, not to mention Dupleux, the English General Sir Hector Munro and the then greatest of England's Generals, the Duke of Wellington, who had met them in the field and who had tried their mettle in the course of what is known as the Pyche rebellion, to deplore their present condition. Of course, I do not attribute the present degenerate condition solely to their sexual relations with their father's blood-relatives, but I greatly suspect that that must have been one of the many contributory causes.

There is ample expert evidence to show that most of the imbecilities and infirmities, both physical and moral, now found in various persons of all countries are due, more or less, to marriage between near blood relations. The Report of the Commissioners of the Kentucky Institution for the Education and Training of Imbeciles or Feeble-minded Children says³:—"We deem it our duty to the interests of humanity as well as to the pecuniary interest of the State, to bear our testimony in addition to the abundant statistics heretofore collected and published by physicians and philanthropists, and to the observations of every close observer as well as to general considerations of propriety, that a large percentage of deaf-mutes and of the blind, a limited percentage of lunatics, and no doubt, a much larger one than either, of feeble-minded and idiotic children, are the offspring of the marriage of first cousins".

"At Washington city before the National Medical Association long since in the session there, Dr. S. M. Bewis made the following shocking statement: "My researches give me authority to say that over ten per cent of the deaf and dumb and over five per cent of the blind, and nearly fifteen per cent of the idiotic in our State institutions for subject of these effects, are the offspring of kindred parents.

Aside from the facts which I have gained by corresponding with gentlemen, who have given close attention to these points, a curious but perfectly legitimate process of computation confirms me in the opinion that these estimates are very nearly correct. Five classes in the schedules prepared given 787 marriages of cousins, 246 of which have given issue to deaf and dumb, blind, idiotic or insane children. Admitting the same ratio to prevail to the Ohio report, which contain 151 marriages of cousins, followed by deaf and dumb, blind, idiotic, or insane offspring, would indicate the existence of 332 other marriages of cousins in the same population not followed by such defects. The counties which furnish these 151 marriages as above, are supposed to comprise in their limits 332 unreported marriages; making a total of 483, contained in 1850, a population of 1,528,238. If the same ratio be supposed to exist throughout the union, there would be found to the twenty millions of white inhabitants, six thousand three hundred and twenty one marriages of cousins, giving birth to 3,909 deaf and dumb, blind, idiotic, and insane children distributed as follows:—

Deaf and dumb	*	...	...	1,116
Blind		...	...	648
Idiotic		...	...	1,854
Insane		...	...	299

1. Dr. Gurudas Banerjee, pages 68 and 69.

2. History of Hindu Marriage, page 353.

3. Aryan Marriage, page 155.

4. Foot-note on pages 88 and 84, 'Light of Truth'.

"Then if the figures of the United States census still applied to over-population, there would now be found in the union. "Nine thousand one hundred and thirty six deaf and dumb, of whom 1,116 or 12·8 per cent. are the children of cousins.

"Seven thousand nine hundred and seventy eight blind, of whom 648, or 8·1 per cent. are children of cousins.

"Fourteen thousand and fifty seven idiotic, of whom 1,844, or 1·29 per cent. are the children of cousins.

"Fourteen thousand nine hundred and seventy one insane, of whom 299, or 0·29 per cent. are children of cousins". Here ends the medical testimony.—(The History and Philosophy of Evil by Andrew Jackson Davis, pages 116 to 118.)

"Nevertheless, the frequency of imperfection in the children of such marriages has been noticed from the time of Moses or earlier, as is proved by the fact that all the great moral codes Hindu, Mosaic, Roman, Christian and Mussalman, have alike forbidden such unions. All these laws were evidently founded on the belief, which is still generally accepted by those who have not studied the matter, that the unhappy results so frequently following consanguineous marriages, depended upon the mere fact that the parents were of the same blood. This, however, has upon inquiry proved to be erroneous; yet this discovery has in no way lessened the practical utility of the law forbidding the marriage of blood relations. In fact, there is much more need of a strict observance of this law now-a-days among our highly civilised communities, than there was among the primitive peoples to whom it was first given. (Marriage and Disease, by S. A. Strahan, page 268).

"The laws of natural life have been so strained and perverted by our civilisation, that almost every family now-a-days has got a taint or twist of some kind, and as all such imperfections are transmitted and rapidly deepened and fixed in the family by the inter-marriage of its members, it is best that such unions should in all cases be forbidden. (Marriage and Disease, S. A. Strahan, page 271).

"It is certain, then, that consanguineous marriages must be extremely dangerous in communities like our own. Where the laws of natural life are so gravely interfered with, they should rarely, indeed, be entered into, if at all." (Marriage and Disease by S. A. Strahan, page 275).

But it is said that there is, at present, a consensus of opinion that consanguineous marriages, contracted amongst individuals, are not at all detrimental to the offspring.¹

Dr. Gurudas Bannerjee, however, observes in his Tagore Lectures on the Hindu Law of Marriage and Stridhanam, that "It is thought by some that the rule is based upon physical grounds, and that it is meant to prevent that physical degeneracy of the race which marriages between near relations would lead to. That may be true. But there is a still stronger reason for the rule: it is intended to prevent moral degeneracy and consequent social evils which would otherwise result. These have been so forcibly pointed out by Bentham, that I feel tempted to quote his words: 'If there were not an insurmountable barrier between near relatives called to live together in the greatest intimacy, this contact, continual opportunities, friendship itself, and its innocent caresses, might kindle fatal passions. The family—that retreat where repose ought to be found in the bosom of order, and where the movements of the soul, agitated by the scenes of the world, ought to grow calm—would itself become a prey to all the inquietudes of rivalry, and to all the furies of passion. Suspicions would banish confidence—the tenderest sentiments of the heart would be quenched—eternal enmities or vengeance, of which the bare idea is fearful, would take their place. The belief in the chastity of young girls, that powerful attraction to marriage, would have no foundation to rest upon; and the most dangerous snares would be spread for youth in the very asylum where it could least escape them²".

However that be, now that Nair marriages are to be brought under the control of law, it would be well to add, at least by way of illustration to section 3, clause 2 of the draft regulation, a provision to the effect that marriage within certain degrees of relationship on the father's side would be considered invalid. As to what degrees the prohibition should extend, I leave it to experts to determine.

I am rather insistent on this suggestion, because I believe that it will prevent:—

- (1) the physical degeneracy and deterioration of the race,
- (2) the production of imbecility and infirmity in future generations, and
- (3) moral degeneracy and consequent evils which would otherwise result.

1. See "Cochin Tribes and Castes" Vol. II. page 407.

2. Bannerjee, page 71.

Let us now take up the question of the age of the parties that would make them competent to enter into the married condition. Under the proposed law, marriage between Nairs is only a civil contract. Under the Hindu Law minority of the parties is no objection, but under that law marriage is not only a civil contract, but also a sacrament, being one of the ten regenerating ceremonies necessary for the twice-born classes, and the only one for Sudras. Under such a system, marriage between minors may be necessary, the more so, that pre-pubescent marriages are thought to be indispensable, the consent of the guardians taking the place of the consent of the parties to make the contract perfect. The result is that infant and child marriages have become almost the rule of the day and the twice-born classes are tied to that practice. Fortunately for us, neither among the twice-born Nambudiries nor among the Nairs pre-pubescent marriage is a necessity, though in some localities the Talikettu Kallyanam has to be performed before the girl attains the age of maturity on pain of exclusion from caste, a behest more honoured in its breach than in its observance. But the Thalikettu Kallyanam is a mere ceremonial preliminary to Sambandham, the real marriage, which constitutes the parties, husband and wife.

Age of the parties to marriage.

The age prescribed by section 3, clause 2, of the Draft Bill is the completion of the 18th year for males and the completion of the 16th year for females. Many witnesses seem to take objection to this on the ground that under the Majority Regulation IV of 1090, section 3, the completion of the 18th year is fixed as the age of majority whether for males or for females.

The age of majority and the age for marriage.

Persons below a certain age are in most systems of law considered incompetent to marry, but that age is not the same in all, nor is it the same as the age of majority for other purposes. Thus, in the Roman Law, males below the age of 14 years are declared incompetent to marry, but the age of majority for other purposes is 25 years. By the Code Napoleon, a man under 18, cannot marry without a dispensation from Government, while the ordinary age of majority is 21. Under the English Law, while the ordinary age of majority is 21, the age of consent to matrimony is 14 in males and 12 in females; but if a boy under 14 actually go through the form of marriage, such marriage is not absolutely void, but voidable only. In the Hindu Law, want of age, though a disqualification for other purposes, does not render a person incompetent to marry, and there is no age fixed as the age of consent to marriage¹.

In fixing the marriageable age of the parties, I think it necessary that weight should be given to the following considerations:—

Circumstances to be considered in fixing the age for marriage.

1) The parties should be physically capable to perform the supreme function of marriage, namely, procreation so as to beget healthy and well built children.

(2) They must have arrived at such age of discretion as to understand what they are going to do and to fully realise the responsibilities they are going to incur to themselves as well as to their fellow beings; they must be able to decide this for themselves so as to preclude the intervention of a third party such as a guardian.

(3) They should have arrived at such age that their scholastic or collegiate career is completed, so that the pleasures and responsibilities of their married life may not interfere with their education.

Says John Cowan in his Science of a New Life:—"The great error in fixing the present age for marriage arises from taking the arrival of puberty as the proper time, it being popularly supposed that when this is present, the woman is capable of reproduction and is ready for marriage. This is a fallacy, for marriage should be consummated only between a physiologically perfect man and woman. Physical perfection implies ripeness, indicated by the full growth of every organ in the human organization. Now, when puberty first shows itself, the osseous part of the system is not fully grown, which implies—seeing that the osseous frame is the structure which supports the muscular, nervous, arterial, digestive and other parts of the body—that the reproductive element is not full grown. Its appearance only indicates its continuance to perfect growth in harmony with all the other organized parts of the body". (Chapter II).

The appearance of the menses is generally taken to be the proper period for consummation of marriage.

The Sastras on the attainment of maturity.

1. Law of Marriage and Stridhanam, pages 87 and 88.
2. The Aryan Marriage, page 151.

" If on menstruation a woman does not cohabit with a male, according to Sastras she incurs the evil consequences which would arise from abortion'. The absurdity of this position will be evident from the remarks of Professor Patrick Geddes and J. A. Arthur Thomson that " Broadly speaking, sexuality becomes pronounced as growth ceases. Especially in higher organisms a distinction must obviously be drawn between the period at which it is possible for males and females to unite in fertile sexual union and the period at which such union will virtually occur or will result in the fittest offspring ". (Evolution of Sex).

Gargya and other Rishis say that normally the indication of womanhood and youth show themselves in women in the 16th year.

“ ജതു കാലമിതി പ്രാപ്തം ഗാർദ്ദ്വാദിനിസന്തരൈഃ
സ്ത്രീചിന്തയേവനം പ്രാവൃഷ്ടോദ്ധരവസ്തുരേ സഭാ ”

Sastras declare that the appearance of the menstrual flow in females before the 16th year should be considered an abnormal occurrence. The work known as the "Kala Nirnaya Pradeepika" states that the abnormal occurrence of the menstrual flow in girls in their 11th, 12th, 13th, 14th and 15th years is traceable to certain causes to which we need not refer or enquire into here. Ayurvedic medical science also shows that Vatha, Pittha, and Daruna would also bring about the menstrual flow.

According to western medical science, " the age at which the process (of menstruation) commences varies with race and climate, with nutrition and growth, with habits of life, (e. g., with difference between country and town life) and with mental and moral characteristics. Of these, however, climate seems most important; thus, while in Northern Europe, the age is reckoned at the beginning of the 15th year, in the tropics, it commences earlier in the 9th or 10th year according to some". (Evolution of Sex by Professor Patrick Geddes and J. Arthur Thomson—Contemporary Science series, page 260, Revised Edition).

The proper age for marriage according to the Sastras.

According to the Sastras the best time for marriage for a woman is from the 16th to the 24th year of her life and for a man from the 25th to the 48th year. The marriage of a girl of 16 years with a man of 25 years is called *Inferior marriage*, of a girl of 18 or 20 with a man of 35 or 40 is called *Medium marriage*, of a girl of 24 with a man of 48 is called *Superior marriage*.

Quoting the great medical authority, Sushruta, Swami Dayanada observes :—There are four stages of the human body :—

- (1) Period of adolescence—from the 16th to the 25 year.
- (2) Period of manhood—from the 25th to the 40th year.
- (2) Period of maturity—about the 40th year, when the tissues, organs, and secretions of the body reach their highest state of perfection. Thereafter comes the
- (4) Period of loss—in which excess of such secretions as the reproductive element begins to be lost in sleep or through perspiration, etc.

The best time for marriage, therefore, for man would be the " Period of Manhood".

Again Susruta observes :—

“ ഉത്തരജാലശവഷായാമ പ്രാവൃഷ്ടവഞ്ചിശതീം
യദ്വായത്തെ പുരാൻ ഗർഭം കർമ്മിസ്ഥസവിവദ്യുത ”

The same authority adds that the great surgeon, *Dhanwandiri*, forbids sexual connection between persons who are under the aforesaid ages. Thus :—“ If a girl under 16 conceive of a man under 25 years, she very often miscarries; but if she does not miscarry and the child is born at full time, it does not live long; but if it does live long, it is nothing but a weakling; never should, therefore, a man have sexual intercourse with a girl of a very tender age”.

“ ജാതോപാന മിരം ജീവേൻ
ജീവേപാദർ യുലെന്റി യഃ
തസ്യാദ തൃന്തബാലായാഃ
ഗർഭയാനം നകാരേയൻ ”

1. Malabar Marriage Commission Report, Appendix III, page 5. The Eralpad Raja's answer, para 11.
 2. Sathyartha Prakasa (Light of Truth) by Swami Dayananda Saraswathi. Translated into English by Dr. Bharadwaja, F. B. C. S., etc., page 90. Translated into English by Dr. Chiranjeeva.
 3. Sushruta Sutra Sthana, Chapter XXXV, quoted at page 43 'The Light of Truth'.
 4. Sutrastanam, Chapter X, page 47 and 48, quoted at page 92 note "The Light of Truth".

So also the Ashtangahridaya of Vagbhata Charia who gives the 16th and 20th years for females and males as the proper period for impregnation.

“പുണ്യേഷാലശവയാസ്മി പുണ്യവൃം ശേനസംഗതാ
 ശുഭലഗ്നാശയകാശ്വേ, കൈശുക്ലേനിലെഹൃദീ
 വീര്യവനം സുതം സുതൈതനോനപുനാബുയോപേന
 രോഗ്യലാഭയന്യോവാഗ്ലഭാ വേതി നൈവവഃ 1

A girl full 16 years of age marrying a man full 20 years, the girl's womb being all right absorbs the semen and brings forth strong progeny. If even one year less, she may not bear. Even if she bears less, the progeny will be short lived. She may become a pauper.

Two expert witnesses have been examined, one an Ayurvedic practitioner, and the other an allopathic practitioner. V. V. W. No. 97 is Doctor C. Ravunny Menon, L. M. & S. (Madras), L. R. C. P., M. R. C. S. (London), Civil Surgeon, Trichur, who gives 18 years for females and 25 for males as the proper age for marriage. Expert evi-
dence.

I would quote in extenso the very valuable opinion of Dr. Ravunny Menon on the subject, himself a Nair, and one who can speak with authority. He has furnished us with cogent reasons for the view he advocates.

“All the authorities on this subject urge that the proper age for marriage is early twenties for girls and late twenties for men. It is established by researches and observations that physical and mental development reaches their maturity between the ages of 25 and 30 in the case of males and between 18 and 22 in the case of a female, and also simultaneously that a man attains the acme of his sexual maturity between 25 and 30, and a woman between 18 and 22. The duties a married couple have to perform during their married life render it highly desirable that they should enter it with sufficiently developed physical, mental and sexual power. Then only the procreation of a healthy offspring can be assured. Though a couple may be capable of performing the sexual act much earlier than the above period, they are by no means mature enough to accomplish the most important object of married life, viz., the procreation of the race”.

This statement will be found to be true throughout the universe. For instance, a planter, a rubber or cocoanut planter, will tell you that though a tree will begin to bear fruit from the 5th or 6th year, such fruits will not be mature enough for the purpose of the future plantation and that the seeds must be procured from trees which have attained the acme of their growth and maturity.

The important evil consequences of early marriages are:—

The physical and mental degeneration of the parties and their off-springs, and therefore, the gradual degeneration of the race. Statistics have shown that, during a given period of observation, the mortality per thousand of married men between the ages of 14 and 20 was 29.3 per cent. against 6.7 of unmarried men for the same period. Examples are not rare of those married prematurely who presents a pre-senile, worn out, faded and stunted appearance at a time when they ought to be in the prime of their vigour and manhood. In my own experience, I have come across several cases in which girls who had to go through the course of maternity at the ages of 14 and 15 had to suffer a good deal during their confinement, the majority of them turning out to be difficult and tedious labours. A very good percentage of such cases terminates with permanent deformity or life-long worry and suffering, or get half a dozen children before they attain the age of 25, lose their health, youth and charm, and become prematurely old with the same bodily development which they had at the age of 13 or 14. At an age earlier than what I have stated the parties contracting marriages are not likely to possess sufficient maturity of judgment and breadth of mind to realise the responsibilities of married life and also to estimate the individual capacity and worth of the engaging parties. The choice of a suitable partner in life is difficult for a mature and experienced man of the world, and so, the younger the party, the greater will be the danger.

Most authorities on the subject state that there should be a difference of 7 to 10 years between the ages of the male and female to be married in order to maintain sexual harmony throughout the period of their life; while others maintain that the difference must be more.

Considering all these points and the customs prevalent among our community, I have suggested the lowest possible limit for the purpose of legislation, viz., 18 years for females and 25 for males.

1. Ashtangahridayam Sharocera Stanam Garbhavakrantham, Chap. 1, sloka 8, etc.

The authorities I like to quote for the above statement are,

- (1) Dr. Loewenfield (Conjugal Happiness)
- (2) Dr. Trolls (Sexual Physiology)
- (3) Dr. S. Repling (Sexual Hygiene).

The late eminent Brahmo leader, Babu Kesheb Chunder Sen, had obtained the opinion of various European and Indian Doctors regarding the marriageable age of Hindu males and females. These opinions have been collected and published in pamphlet form under the title of 'Essays on marriageable age' in the series of 'Papers for the Thoughtful No. II, by the Arya Samaj. Among the Doctors consulted were Dr. Norman Cheverton M. D., Dr. Fayeror, C. S. I., Dr. Ewart, M. D., Dr. S. G. Chuckerburthy, M. D., Dr. D. B. Smith, M. D., Dr. T. E. Charles, M. D., Dr. Mohendra Lal Sircar, M. D., and Dr. Tumeez Khan, Khan Bahadur.

These doctors are of opinion that the early age at which Hindu marriages are now performed is highly injurious to the parties concerned as also to their issue. No doubt they say, the hot climate of India contributes to the early maturity of girls. But there are other important causes contributing towards this result. High living, luxurious diet, unhealthy surroundings, constant association with lascivious ideas and heredity are some of the more important contributory causes.

V. V. W. No. 245 is Mr. Kilikot Kesava Panikkar of Irinjalakuda, an Ayurvedic practitioner for the last 25 years, and it is he who has quoted the sloka from Ashtangahrdaya above cited.

Why the age for marriage should be fixed high.

It is very necessary that parties to marriage should have arrived at the age of discretion and must be able to make their own choice. They are entering into one of the most important periods of their life, *Grahasthasramam*. They must be able to realise their duties and responsibilities to themselves and to their fellow-beings. No match should be forced on them by their parents or their guardians. Fortunately for the Nairs, women have always been recognised, as having independent rights. With them, at least among the more respectable classes, marriage is, in theory at any rate, a union by affection, an ideal towards the attainment of which all civilised societies are looking forward. Elsewhere marriage has been "a contract of slavery" for the woman. In Malabar it has never been so. "Marriage elsewhere is, or has been, the taking possession of the woman by the man. The custom in Malabar is an exception to the rule", says M. Elie Reclus (*Primitive Folk*, page 162). As a party to the contract woman stands in the same position with marriage as a law which purports to legalise these unions should not by its provisions arrest the development of the wholesome theory of union by affection. "In primitive phases", says Mr. Herbert Spencer, "while permanent monogamy was developing, union in the name of the law—that is, originally the act of purchase,—was accounted the essential part of the marriage, and union in the name of affection was not essential. In the present day union in the name of law is considered the most important and union by affection is less important. A time will come when union by affection will be considered the most important and union in the name of the law the least important, (not altogether unimportant or of no importance as interrogatory witness XCII would have it), and men will hold in reprobation those conjugal unions in which union by affection is dissolved".¹ That perhaps was and is so in European countries. With us conjugal union among the more respectable classes has always been one of affection and our present attempt is to take advantage of this opportunity to combine the two principles so that union in the name of affection which we already possess will in no way be lowered but would be placed on a level higher than the union in the name of the law which we now seek to obtain, and thus attain the ideal aimed at by Mr. Spencer. The aid of the law has become necessary, by force of circumstances to protect our unions of affection. This can be attained by the legal recognition of the matrimonial contract as of the same kind as any other contract freely accepted, freely maintained and freely dissolved, where the parties stand on a footing of perfect equality as regards their contractual relation to one another. We need only ratify and perfect the union by affection, already existing amongst the more respectable classes, by getting it legally recognised by the State and brought under protection of the law.

The intervention of a guardian is indeed undesirable and sometimes even dangerous. I know of many instances where unwilling matches have been forced by their guardians on juvenile persons quite unable to think or act for themselves, which have in course of time led to an unhappy, not to say a miserable if not a tragic, termination. Such unions give occasion to the abominable practices mentioned in the *Kala Nirnaya Pradipika*² and referred

1. *Sociology*, Vol: 2, page 410.

2] See joint statement of Thiruvilwamala meeting, V. V. W. No. 212, See Mr. Chandu Manon's *Indulaka* page 196. Mr. Dumergue's translation.

3. See the *Aryan Marriage*, pages 148 and 152.

to by the Hon. Sir C. Sankaran Nair in the enclosure to his opinion on the Hon. K. P. Raman Menon's Marriage and Partition Bills—practices, he says, "too revolting to be mentioned", but "are referred to in a paper submitted to the commission".

We may take note of the custom which permitted Panchu Menon, the patriarch in the Malayalam novel 'Induleka', to speak to his grand-daughter Induleka as follows in announcing a match which he had arranged for her:—We have come here to speak to you about a certain business, my daughter. *According to old customs, it would not be necessary for you to know anything of the business at present; but it would be quite enough for you to be told when it is actually taken in hand.* But as we live in the iron Kali age, we feel a little nervous, and so we have come to speak to you", page 67. Again, let us remember that in the same novel Kalliani Kutty, the innocent uneducated girl "was seized and given to the Namburipad by Panchu Menon just as if she had been a kitten about the house." (Induleka, a Malayalam novel by Chandu Menon, translated into English by W. Dumergue C. S. Addison and Co., Madras 1890).

I shall now refer to a practical difficulty. Marriage between minors without the consent of their guardians is declared invalid, not voidable only, by section 3, clause 2, of the draft Bill. Unless there is a public record or registration of the marriages which is not provided for, how is such consent to be satisfactorily proved? Either or both the bridegroom and the bride may be of non-age. If only one of them is a minor, his or her guardian, or if both are minors, both their guardians should have been consulted. The want of consent of one of these would render the union invalid. If in any case the validity of the marriage is questioned at any time on the ground of the absence of the consent of guardian or guardians, say long after the death of the husband or father, the condition of the hapless widow and the unfortunate children will be woeful. Time might have made havoc among the eye-witnesses to the marriage.

Another advantage if the marriage takes place after the parties attain the age of discretion is that the further question as to who has the right to give in marriage, the father or the karanavan of the girl, would not arise. The best form of marriage should be that of *Swayamvaram* or self-choice.

The consideration to which I would attach the utmost importance and which I would urge with all the strength I am capable of is that the parties should have arrived at such age that their school or college career should have been completed so that their married life does not interfere with their education.

Too much cannot be said in support of this proposition.

The period of Brahmacharya or studentship prescribed by Manu is 8, 18, or 36 years, according as the Vedas are completely mastered (Chapter iii, 1). This is of course for the twice-born. Manu takes no note of the education of other classes. It is not pretended that this injunction would apply to the Sudras, much less to the Nairs who had originally stood outside the caste system. According to the Brahmanical theory the lot of the Sudra is to slave, not to study. His duties are summed up by Manu in Slokas 334 and 335 of Chapter IX. So far as Malayalam works are concerned, the metric translation of the great Epic of the Maha Bharatha by Thunchat Ezhuthassan sets forth the rights and duties of the Sudras in the following words:—

“ശൂദ്രന്മാർക്കു തപസ്സു ചെയ്യരുത്. മൃഗമൃഗങ്ങളെ വിചിത്രമായി വെട്ടിക്കൊല്ലുകയും അതിനെ ഭക്ഷിക്കുകയും ചെയ്യരുത്. ശൂദ്രന്മാർക്കു കർമ്മങ്ങളെ അറിയാതെ അനാഥന്മാരുടെ കർമ്മങ്ങളെ ചെയ്യരുത്.

To the Sudra is ordained ignorance, illiteracy, stupidity and incoherent talk
 x His nephew should offer Pinda to his manes. It is easy for a Sudra to attain salvation.

V. V. W. No. 246 has told us that this passage has reference to Nairs. That the author was evidently under the influence of the Brahman priesthood and stood in mortal dread of the Nambudiries is clear from what he bewails of in other works of his. These lines are evidently an interpolation, especially the stanzas prescribing that Sradhas should be performed for the benefit of the souls of uncles and not for those of the father. These lines do not appear in the original Sanskrit. (See Rajadharmanusasana Parvam (രാജധർമ്മശാസ്ത്രം), section IX (അദ്ധ്യായം 9). Exclusive duties of the Sudras. Babu Pratapa Chandra Ray's translation, pages 193 to 197. See also Kunji Kuttan Thampuran's translation into Malayalam).

It is curious however that the author had the hardihood to study Sanskrit in spite of the injunction of the Mahabharatha, the Smrithies and Sastras and to sing in beautiful verse all that is contained in the great Epics, and more, including the very injunctions against Sudras even speaking coherently.

The proper age for girls to marry.

Throughout India girls are withdrawn from schools at a very early age. It is only recently that the practice of retaining them in schools after marriage has come into vogue. In Malabar, however, they remain in schools longer, and there the course of infant and child marriage does not exist to any large extent though not altogether unknown. We have had instances of women even after they have borne children proceeding to Madras for collegiate studies. These are however exceptions. If the law fixes the age, say at 18, for marriage, I am persuaded that it will give scope for our girls to continue their studies uninterrupted by the pleasures and anxieties of married life more effectively.

The proper age for boys to marry.

It would be an act of supererogation to say anything regarding the necessity of fixing the age of boys at a later stage, say 25. By this time they will have run their college course and be ready to enter *Grahasthasramam*. What is more, they would be on the threshold of some occupation which would provide them with the where-with-all to maintain a wife. As Sir T. Muthuswamy Iyer observes with regard to obtaining the consent of the karanvaan, "the age may be fixed sufficiently high to enable the contracting practice to see whether they can support the obligations of married life without aid from their tarawads". According to *Sanatana Dharma*, "primature age, weakness, disease, race-decay, spring from student-marriage against the Ancient Law". The same is the view taken by Western Science also, see para 4 of Dr. Ravunny Menon's letter already quoted.

The following comparative table prepared from the latest Census Reports of Travancore and Cochin may be found useful in fixing the proper age of the parties to marriage:—

Comparative statement of the married and the unmarried in Cochin and Travancore per thousand.

Age	Cochin						Travancore						Remarks
	Females			Males			Females			Males			
	Married	Unmarried	Widowed	Married	Unmarried	Widowed	Married	Unmarried	Widowed	Married	Unmarried	Widowed	
0 all ages ...	368	404	228	322	530	48	373	443	184	332	569	49	(1) There are 1,064 females for every thousand males in Cochin
0 to 5 ...	...	1,000	...	...	...	...	...	1,000	...	...	1,000	...
5 to 12 ...	4	996	...	...	...	...	4	996	...	1	999	...
12 to 15 ...	...	...	...	...	...	...	...	...	...	...	...	...
15 to 20 ...	369	601	30	17	972	11	804	677	19	25	971	4	
20 to 40 ...	726	56	218	552	402	46	777	74	149	624	322	54	
40 and over ...	316	10	674	774	48	183	369	20	611	838	22	145	

I would therefore recommend that the age be so fixed as—

- (1) to give free scope to the parties to use their discretion, and to leave them to have their own choice without the intervention of a third party, to wit, a guardian,
- (2) to allow time to the parties to be physically capable of producing healthy and well-built children and thus prevent race-decay and degeneracy,
- (3) to allow them sufficient opportunity to realise their responsibilities, and to allow them to complete their educational career, and
- (4) to allow them sufficient time to equip themselves towards supporting an independent married life.

My colleagues on the Committee except Mr. T. K. Krishna Menon are of opinion that no minimum age for marriage need be fixed whether for males or females. It is unfortunate that I cannot agree with them. I think that the section should prescribe the minimum age for marriage both for males and females, and that such age should be fixed high, for reasons already stated. . If it is argued that infant marriage is scarce in Malabar

and so the minimum age for females need not be prescribed, I would observe the very fact that its existence, however scarce, is accepted and provision made for obtaining the consent of guardians in the case of minors, contemplates the perpetuation of infant marriage with all its ghastly consequences. I would urge, with the utmost strength I am capable of, that we should put our foot down upon even the possibility of infant marriage rearing its head up. Enforced widowhood we fortunately have not. Let us get rid of the other canker that eats into the vitals of society generally.

I think it would be well to give retrospective effect to the provisions of the Regulation regarding marriage, so that marriages already performed according to custom, and subsisting on the date of the Regulation coming into force may be rendered valid; otherwise they will be invalid and the issue of such marriage will have to be considered illegitimate, a most undesirable predicament indeed.

Retrospective effect to be given the Regulation.

To avoid any possible injustice to non-Nair males who have contracted Sambandham with Nair females in the past, not anticipating the passing of the new law, these may be provided with a means of escape by allowing them to get themselves exempted from the provisions of Chapter IV. They cannot, however, be allowed to get free of Chapters II and III. The object of the new Regulation, as already observed, is to attain both moral and material ends. The latter is secured by the provisions of Chapters II, III, IV and VII. To secure the first and the most important object, we have to see that all Sambandhams existing now or contracted hereafter legalised. It is for this purpose that section 3 of the memorialists' draft has been given retrospective effect.

I am afraid that the proviso to section 55 of the Committee's draft as appears from the copy supplied to me is not conceived in the right spirit. As it stands, the non-Nair husband is given the privilege of getting himself exempted from the operation not simply of Chapter IV of the Bill dealing with the right of inheritance. He could also get exemption from the operation of Chapters II and III dealing with marriage, maintenance, and guardianship. The result is that he could not simply bastardize his children, but could also deprive them of the benefits conferred by Chapter III, and shake himself free of the responsibility of maintaining those for whose very existence he is primarily responsible. I had invited the attention of the Committee to the undesirability of granting such exemption and its evil consequences, and had emphasised my position in my memo of the 14th Makaram 1094.

I would, therefore, recommend that the words, "from the provisions of Chapter IV of this Regulation", be substituted for "from the provisions of this Regulation" in the proviso to section 55.

Section 3 of the memorialists' Draft may be amended thus in the light of the observations already made:—

Section 3.—Subject to the restrictions of consanguinity and affinity the conjugal union of a Nair female with—

- (a) a Nair male, or
- (b) any male other than a Nair,

with whom conjugal union is permitted according to social custom and usage, openly solemnised by the presentation of cloth to the female by the male, or in any customary form then in vogue before the date on which this Regulation comes into force and subsisting on such date, or so solemnised by the presentation of cloth after this Regulation comes into force, shall be deemed to be a legal marriage.

The age for marriage shall be 18 years complete for females and 25 years complete for males.

In section 3, I would also indicate the degrees of affinity within which marriage should not be effected. The degrees to be fixed will have to be ascertained on consultation with experts.

I would make provision for the securing of a public record of marriage, and for this purpose, propose the following additional section, viz. :—

(a) A certificate of marriage, in the form prescribed in the schedule to this Regulation, signed and verified by the husband and wife and three witnesses present at the ceremony, may be presented to the Registrar within whose jurisdiction the marriages take place, by the parties or their duly constituted vakils, within one month from the date of marriage, and such certificate shall be filed in the Registrar's office, copies of which may be obtained by the parties on payment of copying fees.

(b) The Parvathiakarans of villages in the State shall be ex-officio Marriage Registrars. Every Marriage Registrar shall maintain a register of marriages in which all

marriages shall be entered on presentation of the certificate of marriage. Such register shall be open to the inspection of the Diwan Peishkar or the Tahsildar of the Taluk in which the marriage takes place. The Registrar shall for purposes of this Regulation be subordinate to the Diwan Peishkar and the Tahsildar concerned. The Marriage Registrar shall, for publication in the Cochin Government Gazette, send a weekly statistical return of marriages within his jurisdiction in the form prescribed in the schedule to this Regulation and the Superintendent of the Press shall have the same published in the Gazette.

(c) Parties so failing shall be liable to pay a fine of Rs. 15 and in default of payment to simple imprisonment for a term not exceeding one month.

The doctrine
of *Factum
Valet*.

Most of the rules about disqualifications of marriage are in the nature of directions for regulating choice in matrimony for the due performance of ceremonies, for prescribing the age of the parties to the union, for obtaining the consent of the guardian and so on. It would certainly be improper to disregard these rules, but excepting the disqualifications arising from difference of caste, not of class or subdivision, and relationship within prohibited degrees, no other disqualification, would, it seems, be held by courts of justice to be sufficient to invalidate a marriage already completed. In such cases the doctrine of *factum valet quod fieri non debuit* applies. Thus with regard to forms and ceremonies all that is required is a substantial compliance with them. Again the want of a guardian's consent would not invalidate a marriage otherwise legally contracted.¹

I would therefore add a section on the principle of *factum valet* that:—

(d) No marriage shall be deemed void or invalid by reason of under-age of the parties to the union, if consummation follows;² but the parties, if they or any one of them are not minors, or is not a minor, in which case the guardian or guardians and all those who aid and abet them, shall be punished with a fine of Rs. 15 and in default of payment with simple imprisonment for a period of one month.

Polygamy
and Poly-
andry.

One more ground of disqualification remains to be noticed, and that is, subsistence of former marriage of man or woman—polygamy or polyandry.

I have dealt with the question of polygamy in paras 44 to 50 of my Travancore Memorandum, and have come to the conclusion that the interests of the advancement of morality require that polygamy should be prohibited.

Polygamy is the result generally of an excess of female over the male population. "It has been pointed out that in countries where polygamy is permitted, women have a better chance of getting married than men, but in Europe the case is reversed. There, as in most parts of the world, the adult women outnumber the adult men. If we reckon the age for marriage as from 20 to 25 years, a hundred men may, in Europe, choose amongst a one hundred and three or a one hundred and four women, so that about three or four per cent. of women are doomed to a single life on account of our obligatory monogamy."³

Monogamy is the form which is generally recognised as legal and permitted. The great majority of people are, as a rule, monogamous, and the other forms of marriage are usually modified in a monogamous direction. The sexual equilibrium of births compelled the greater number of men to practical monogamy, and thenceforth, as Herbert Spencer justly remarks, "a public opinion was necessarily formed in favour of monogamy."⁴

Policy may sometimes require the toleration, if not, the legalisation of polygamy. Soon after the peace of Westphalia, bigamy was allowed in some German States where the population had been largely reduced during the Thirty Years' War. For political reasons Luther allowed Philip, the Magnanimous of Hesse, to marry two women. He openly declared, that as Christ is silent against polygamy, he could not forbid the taking of more than wife. Just as in the case of Thirty Years' War, but in a far greater measure, the recent terrible war has depleted Europe and America of its population. It is seriously contemplated to increase the future man-power of Germany by polygamy or by the promotion of bigamy. To have two or more wives or two or more husbands at once is a serious crime in all Christian countries. The Bible is against such practice. But necessity knows no law, human or divine, and hence the proposal of introducing polygamy in Germany, under the euphemistic name of secondary marriage as the only means for the rapid creation of a new and powerful army. As soon as this reform is accepted by the German people, it

1. Mayne, page 119. Bannerjee, pages 89, 79, 106.

2. "The Contract of Marriage," says Immanuel Kant, "is completed only by conjugal cohabitation." Philosophy of Law, Translated from the German by W. Haasle, B. D., page 113.

3. Westermarck, page 146.

4. Evolution of Marriage and of the Family—Laterneau.

will become respectable and is likely to be imitated by other Christian nations placed in the same predicament as Germany.¹

In Cochin the inequality between the number of males and females in the Nair population is not so great as to require the toleration of polygamy. According to the latest Census, the numbers stand thus:—

Total population of Nairs 1,21,206 made up of males 58,720 plus females 62,486; that is, 3,766 females more than males, so that there would be a thousand males for a thousand and sixty-four females. Surely no great disparity when we consider that regard has to be had of various other circumstances.

The Cochin State Manual says "that polygamy, though not unknown, is looked upon with disfavour by the respectable classes. Even the Rajahs and Chiefs do not in these days go in for more than one consort"². So also the "Cochin Tribes and Castes". It says "there is nothing which prevents a man from entering into conjugal relations with more than one woman at a time; nevertheless, it is seldom practised. x x If, however, he do so (have a second wife), his family and society will not recognise it as such and no woman of any respectability will enter into such alliance". "Polygamy is very rare", says the Census Report.³

Polygamy no doubt is advocated by a number of witnesses and desired by many under special circumstances, though the witnesses are generally of opinion that it is against sound principles of morality. The tendency is towards monogamy, and even those who are for retention of the institution do not hesitate to condemn it as being against good morals. From the point of view of the woman, the retention of polygamy is wholly unjustifiable unless man is willing and ready to allow polyandry to her for the reasons for which he wants polygamy. But his jealousy will not suffer him to endure a rival, and it should never be that because he is the stronger of the two and he is legislating for the weaker, she should be placed at a disadvantage.

While abhorring the idea of a woman having more than one husband, I. W. XCII, Prince Ravi Varmah, would allow a man more than one wife. Because "the custom sanctions it, the Hindu Law recognises it, the Malabar Law has always favoured it". All these are but mere make-shifts. The real reason is the utter selfishness of man. Fidelity to one person should not be made a monopoly of one of the spouses alone, because, as Bentham has pointed out, "the conjugal obligation is reciprocal"⁴. The remark of Mr. Laterneau with regard to a cognate matter is very apt in this connection. He says:—The reason of this revolting partiality is very simple—Diderot makes Oro tell it in his *Suppliment au voyage De Bonngainville*; it is the tyranny of man that has converted the possession of woman into a property⁵.

The position in British Malabar was the same as here. There also polygamy was acknowledged to exist, but seldom practised. Several of the witnesses examined advocated its retention, but Sir T. Muthuswamy Iyer observed that he considered that the restriction ought to be enforced in the interests of women. He added that he had also before his mind that it was the nephew or the anandaravan who is entitled to make the funeral or annual offerings under marumakkathayam system, and the remarks of Lord Brougham in *Warrender v. Warrender* and in the case of *Hyde and Woodman* in which a polygamous marriage was held to be no marriage in an English Court of Justice. (para 16—V).

In Travancore also the majority of the witnesses advocated the practice of polygamy for reasons similar to those given by our witnesses (see e. g. I. W. XCII). They referred to the Hindu Law and the Muhammadan Law as favouring polygamy and relied on the strength of long-standing custom. The Travancore Committee, however, brushed aside⁷ the selfish special pleading of those who relied on the above argument and recommended the absolute prohibition of the immoral custom in the interests of the morality of the community.

As to the Hindu Law, the Committee pointed out that, though, no doubt, there are some texts which sanction polygamy, there are others which clearly say that a man should not marry a second wife during the life-time of the first,⁸ and on an examination of all tests bearing on the point, a very learned Hindu Lawyer, Viswanath Narayan Mandlik, is of opinion that polygamy was not favoured in Hindu Law⁹. The practice of respectable

1. The Amrittha Bazaar Patrika of 26th January 1918.

2. Pages 194 and 195.

3. The Report on the Census of Cochin for 1911, Part I, page 59.

4. The jurist Ulpian wrote: "It seems to be very unjust that a man demands chastity of his wife while he himself shows no example of it." Digest, XLVIII, 13, 5.

5. Theory of Legislation, page 131.

6. The Evolution of Marriage, page 206, Laterneau.

7. See paras 46—47, Report of the Committee.

8. Manu V, 168 and IX 101—102.

9. See Mandlik's Hindu Law, page 339 (3). See Dubois on Hindu manners, customs and ceremonies, p 210. See also Bartholomew's voyage to the East Indies, page 270, Ed. 1800.

Hindus at the present day is in this respect much better than their law, just as with the stability of sambandhams amongst the respectable classes of Nairs and even more than a century ago, it appears that in Southern India polygamy was tolerated only among persons of high rank, and even among them it was looked upon as an infraction of law and custom, in fact an abuse.

As to the Muhammadan Law, though the Koran allows a Muhammadan to keep four wives, Mr. (Now Sir Syed) Amir Ali, a high authority on that Law, himself a Muhammadan, observes "that the permission is coupled with a virtual prohibition to the effect that it could be availed of only if the husband can treat all the wives equally. The learned author further observes: "The conviction is gradually forcing itself on all advanced Muhammadan communities, that polygamy is as much opposed to the Islamic law as it is opposed to the general progress of civilised society and true culture." He further says that in India 95 per cent. and in Persia 98 per cent. of Muhammadans are monogamists, and closes his observation by saying, "it is earnestly to be hoped that before long all sections of Moslems will come to recognise that polygamy, like slavery, is abhorrent to the laws of Islam." "Owing to the growth of a sense of self-respect and contact with European nations" remarks Mr. Wake, "polygamy is losing its hold on the Egyptians, Chinese and other Asiatic people."

As to practice or custom, we have it in evidence that a large number of witnesses, including even those who advocate it, regard polygamy as subversive of good morals. The moral consciousness of the community as indicated by the weight of enlightened public opinion is decidedly against polygamy. Even if the "legal consciousness of the community is unsettled and fluctuating" as observed by West, J. for purposes of a judicial decision¹ its nobler may properly be chosen in preference to its baser elements as those which are to predominate." The same principle must apply to a question of positive morality as a basis of legislation. Even if the practice does prevail to some extent, society has a right to impose restrictions on the free union of the sexes on grounds of public policy with a view to secure due provision, control and training of the rising generation.⁴

We have seen that, though polygamy is permitted amongst the Nairs in Malabar, Cochin and Travancore, amongst the Hindus and Muhammadans in India, and the Muhammadans in Persia, these do not practise it to any large extent. It is altogether prohibited in many countries, specially Christian countries.

Some of the savage races such as the Veddahs of Ceylon, the Andamanese Islanders, the Badagas of the Nilgiris, etc., are strictly monogamous, and amongst them polygamy is almost unknown or even prohibited. Polygamy is desired by a large class of men— "Nevertheless", says Dr. Westermarck, "however desirable polygamy may be from the man's point of view, it is altogether prohibited among many peoples, and in countries where it is an established institution it is practised as a rule to which there are few exceptions, only by a comparatively small class".⁵

Dr. Westermarck gives the following as the reasons why a man may desire more than one wife :—⁶

- (1) Monogamy requires periodical continence during (a) pregnancy, (b) suckling, (c) monthly courses, &c.
- (2) The attraction which female youth and beauty exercise upon man.
- (3) The liking of men for variety is also a potent factor, The Negroes of Angola asserted "that they were not able to eat always of the same dish".
- (4) The desire of offspring, wealth and authority.
- (5) Barrenness of a wife.
- (6) A man's fortune is increased by a multitude of wives not only through their children but through their work also.

Though most of the above reasons operate to create in man a desire to have more than one wife (leaving alone the last three which do not operate in the case of the Nairs), many nations of the world have withstood the temptation and continued to be absolute monogamists in the interest of good morals.

Per contra I may quote here the very convincing reasons advanced by the Travancore Committee for recommending the absolute prohibition of polygamy :—

1. Amir Ali's Personal Law of the Muhammadans, page 21.
2. Wake on Development of Marriage and Kinship, pages 251-252.
3. I. L. IV Bom. 545 at page 553, also at pages 557-558.
4. Sedgwick on Politics, page 52.
5. "The origin and development of Moral Ideas," Vol. II, page 485; page 689, et seq give instances.
6. Ibid, page 383; see also 'History of Human Marriage' by the same author, page, 480 et seq.

(1) Where there is an approximate balance of males and females in a community, as among Nairs and Samanthas (See Travancore Census Report for 1901, Part III, pages 358 and 364, which show an increase of females over males in each class of only 1 and 90 per 1,000 respectively), monogamy is more favourable than polygamy to the maintenance of population; for, taking the number of females as measuring the possible number of children to be born in each generation, more children are likely to be born if each man has a wife than if some men have many wives while others have none. Thus social survival, so far as it depends on multiplication, is aided by monogamy. In such a state of society, where the male population is industrially occupied, polygamy meets with positive resistance, and the latter fact is clear from the strong objection to polygamy raised by so many as 458 of the witnesses examined by us.

(2) Another reason tending in the same direction is the fact that in monogamous societies that have outgrown barbarism the mortality of offspring diminishes, because, in addition to the benefit of constant maternal care, they have also the benefit of constant paternal interest.

(3) There is more cohesion in a monogamous than in a polygamous family with the father at its head. For in the latter, while some groups of the children are fully related both in the paternal and maternal sides, all the groups, as between themselves, are related only on the paternal side. Further, in a monogamous union the family cluster is held together by more numerous ties and there is an absence of the repulsive tendencies springing from the jealousies which are inseparable from a polygamic family, as in the well-known instance of King Dasaratha. In Sanskrit, a fellow-wife is synonymous with the enemy (compare 'Sapathna', an enemy, with 'Sapathni', a fellow-wife). The greater integration, characteristic of a descent from common parents, would be maintained in the family as it ramifies from generation to generation, inasmuch as definiteness of descent with paternal as well as paternal breed will be kept up in monogamy whereas only the maternal descent would be kept up in polygamy. Thus even diverging branches will be joined by additional bonds.

(4) A monogamic union is pre-eminently better fitted for the cultivation of love than a polygamic one. The master-pieces of music, poetry and fiction show that the former 'is a deep source of æsthetic interest'.

(5) Monogamy has been long growing in civilised man inasmuch as all the ideas and sentiments now associated with marriage imply the singleness of the union.

(6) It highly favours the preservation of life in old age. 'Both by the prolonged marital affection which it fosters and by the greater filial affection evoked under it, declining years are lengthened and their evils mitigated.'

(7) Polygamy has a tendency to impoverish society by imposing on a man of ordinary means the responsibility of maintaining a much larger number of persons than he can well afford to do.

On the above grounds, moral and economical, we think that monogamy should be our ideal as it is best calculated to foster a healthy family life, the foundation of civic life and the evolution of society."¹

"Marriage", says Immanuel Kant, "is found upon the natural reciprocity or intercommunity (*commerecium*) of the sexes. This natural union of the sexes proceeds either according to the mere animal Nature (*Vaga libido, Venus Vulgivaga, fornicatio*), or according to law. The latter is marriage (*Matrimonium*) which is the union of two persons of different sex for life-long reciprocal possession of their sexual faculties." Again, "For this natural '*commerecium*' as a '*usus membrorum sexualium alterius*'—is an enjoyment for which the one person is given up to the other. In this relation the human individual makes himself a '*res*' which is contrary to the Right of Humanity in his own person. This, however, is only possible under the one condition, that the one person is acquired by the other as a '*res*' that same person also equally acquires the other reciprocally, and thus, regains and re-establishes the rational personality. The acquisition of a part of the human organism being, on account of its unity, at the same time the acquisition of the whole person, it follows that the surrender and acceptation of, or by, one sex in relation to the other, is not only permissible under the condition of marriage, but is further only really possible under that condition." "For the same reasons the relation of the married persons to each other is a relation of equality as regards the mutual possession of their persons. Consequently, marriage is only truly realised in monogamy; for the relation of polygamy the person, who is giving on the one side, gains only a part of the one to whom that person is given up, and therein becomes a mere *res*."²

1. Travancore Marumakkathayam Committee's Report, para 44.

2. "The Philosophy of Law" by Immanuel Kant—translated from German, by W. Hastie, B. P. 1887, pp. 109, 110, 111.

The decision of the Travancore Government to leave alone polygamy because there was "a large volume of evidence against declaring it illegal" and that it is at present permitted and is also prevalent in some parts of "the country" can scarcely be supported. "The practice, at least, among the decent sections of the Nair people," says the Travancore Census Report, "is one of strict monogamy". (Page 331, Part II). A careful perusal of para 46 of the Committee Report will make it clear that the alleged large volume of evidence in favour of polygamy is altogether unreal and do not represent the opinion of the people as a whole. The Report says, "If we except the witnesses of the Kayamkulam and Neyyattinkara stations (there were 14 stations in all where witnesses were examined) which seem to be centres of polygamy, (119 against 2 witnesses and 41 against 2, respectively being for it), we find that, of the non-graduate witnesses, 54 against 22 are opposed to polygamy." The Report goes on to remark that "The moral consciousness of the Nair community in Travancore as indicated by the weight of enlightened public opinion, is against polygamy."

The stations above mentioned, especially Kayamkulam, happened to be centres of polygamy because in olden days the women of at least some parts of Malabar were said to have been held in common, every woman belonging to all the members of the tribe, and resistance to any of them was severely punished. The Dutch Captain John Nieuhoff, writing in the year 1664 of the Kingdom of Batyma (Venmani in which is included the Present Kayamkulam) with its city Katyapery (Kartigapilly), observes, "It is commonly reported in these parts, that the Kings of Batyma made a law, by which a man was empowered to kill any woman that should refuse him a kindness." Almost a hundred years before Nieuhoff, the Portuguese Archbishop Menezes refers to such a law as existing in the locality "By this law the King of Kartigapilly enacted that in this Kingdom any Nair was at liberty to be free with any woman of the caste high or low, and that he could kill a woman with impunity if she refuses a favour". One can really understand that a people who were enjoying such liberty barely three hundred years ago are now addicted to the practice of polygamy and it would no doubt be in the interests of the State and of public morality to wean these people from such immoral practice by declaring them illegal. It is a pity that the Travancore Darbar did, under the circumstances, give the go-bye to the principles enunciated by such eminent authorities as Mr. Justice West and Mr. Sedgwick and quoted by the Committee in its report. It is indeed the utter selfishness of man that countenances the practice so subversive of good morals and so cruel, disadvantageous, and unjust to the other half of humanity, for as the Malayalam metric version of the Mahabharata says, "കൊടുക്കെ സാധനങ്ങളെപ്പോലെ കൈമാറില്ല. There is no sin greater than that of being a co-wife".

Polygamy and the Aristocracy.

The prohibition of polygamy may affect the Sthanies and the so-called aristocracy who confine the alliances of their females to the twice-born classes. Nambudiries, Pattars, etc., who have married in their own caste will be prevented from further marrying Nair females. It is the Nambudiries that are resorted to mostly. Of the Pattar Brahmans, the Malabar Marriage Commission Report, as already pointed out, observes, "They, like the Nambudiries, are very willing to lend themselves as 'consorts' for the ladies of the Nair aristocracy, but they are never accepted as such, except when the services of a Nambudiri are not available". There are, indeed, certain families who think that their females can consort only with Brahmans or other high castes. If polygamy is prohibited, Brahmans married in their own castes will be prevented from marrying Nair females under the Regulation. We have been told by V. V. W. 81 of the difficulties these families who belong to the aristocratic class have to endure in procuring husbands for their women. Instead of the husbands maintaining their wives, in such cases the wives' tarawad has to pay something to the Brahman consorts. These may suffer. Of this class we have the following witnesses V. V. No. 81, 146, 185, 246, 286, 287, 331 and 332. Of these the first belongs to British Malabar. As against these I may refer to aristocrats who are not particular in this respect. V. V. W. No. 125, a *Sthani*, says, "some wealthy Sthanies will allow only Brahmans to have Sambandham. This is meaningless. These too accept men of their own caste".

V. V. W. 126 says "we are *Sthanies*. It is not indispensable that only Brahmans can have Sambandham in our family". No. 127 agrees with the previous witness, his karanavan.

V. V. W. 152, a *Sthani*, says, "Men of my own class can have Sambandham in my family".

There are in the State 52 families which stick to the practice of having higher class mates only for their women folk.

1. See G. O. No. G. 6472—23rd December 1910, para 10 (d)

The prohibition will apply mainly only to married Brahmans, both Nambudiries and Pattars, but there will still be left the unmarried ones as well as the Kshatriya and Samantha classes. But such Brahmans as are married to Nair females may perhaps find themselves prevented from marrying in their own caste before procuring a divorce from their Nair wives, a process rendered altogether easy under the Regulation. Pattar Brahmans may naturally want to marry in their own caste, so that they may have issue capable of performing funeral ceremonies and annual Sradhas, so very necessary for the salvation of their souls and to perpetuate their lineage. But among Nambudiri Brahmans, the elder alone marries in the caste, and raises issue who are thought fit enough to save the souls of the rest. If the eldest has no issue by the marriage he must marry a second, and a third time failing issue by the second. If he still has no issue, the next junior has to be marry in his caste¹, and this he may do even if he has a Nair wife, for he has only to obtain an order dissolving their union, an altogether easy process.

If the prohibition of polygamy is to be effective on those whose personal law allows it and thus prevent them from having a caste wife and a Nair wife as well at the same time, I think there should be a special provision to that effect in the Regulation. Otherwise under the shelter of personal law which is not abrogated by this Regulation in express terms, the Brahman with a caste wife may marry a Nair wife with perfect immunity.

Polygamy should be expressly prohibited.

I may refer to paras 51 to 67 of my Travancore Memo for a discussion of this subject.

It is agreed on all hands, and the evidence may be said to make it clear, that polyandry, as an institution, has ceased to exist and that it is looked upon with abhorrence.

Polyandry.

"If by polyandry", as observed by the Malabar Marriage Commissioners, "we simply mean a plurality of *husbands*, publicly acknowledged by society and by each other as sharing between them a woman's favours by mutual agreement, —the legal and regulated possession, publicly acknowledged, of one woman by several men who are all husbands by the same title, it may be truly said that no such custom is now recognised by the marumakkathayam castes in Malabar. If by polyandry we simply mean a usage which permits a female to cohabit with a plurality of lovers, without loss of caste, social degradation or disgrace, then we apprehend that this usage is distinctly sanctioned (at least in theory) by marumakkathayam, and that there are localities where, and classes (as among the Kaniyans and Aynkudi Kamnalar) amongst whom, this license is still availed of". A number of witnesses examined before the Malabar Marriage Commission, though in a minority yet "intelligent and men of mark", candidly admitted the right of the woman to consort with more than one man. They pointed to localities situated on the borders of South Malabar and the Cochin State where the custom, they said, persisted in lingering, and it is interesting to note that those witnesses examined before us who seem not to be very much averse to polyandry came from a backward village situated on the borders of the State and the District of South Malabar. Their statement, however, is very indefinite, and we have to presume from their general attitude and the general trend of their evidence that they are not inclined to look with abhorrence on the practice as the rest of the witnesses.

Witness No. 175, who is not very definite in his answer, hails from Pulakkode village, Talapilly Taluk, and he leads the way followed by Nos. 176, 177, 178, all of the same village, No. 176 being his nephew. No. 182 the other witness who, along with the others, adopts the statements of No. 175, is a resident of Pangarapilly village of the same Taluk. This witness, however, dissents from his brethren and says that Sambandhams should be given legal recognition.

Evidence as to polyandry.

No. 175 says that "there are only 8 or 10 tarawads in my village. There is no one there who has had the benefit of higher education. There is but little of female education. *Education there is low because there are no schools close by,*" and no wonder that the village is altogether backward in social advancement.

To the question asked, "Would you consider as valid the marriage of a male with a Nair female having a husband", the witnesses have almost in one voice answered, "No". There are, however, the statements of two witnesses, both highly educated men, and men of position, contra.

1. See Sankara Smrithi, Chapter III, Part I, sloka 16; page 29, sloka 17. Chapter VI, part 8 slokas 16 and 17.
2. Malabar Marriage Commission Report, para 26.

V. V. witness No. 107 says, "When a female cannot divorce her first husband and is not at the same time fortunate enough to have an issue in him for performing her funeral ceremonies or to perpetuate her family, she may marry another with the consent of her first husband". Asked to explain, witness observed:—"My view is that both polyandry and polygamy may be allowed under certain conditions x x x For procreation I would allow polyandry to a Kshatriya woman under certain conditions" x x x Asked whether he could give any instance, he said:—"I know of no instance of a Nair or Kshatriya woman having a husband marrying a second husband for the purpose of having an issue. Personally I am against both polyandry and polygamy. The educated community also is against such a practice". He supported his view on the analogy of the archaic theory of Niyoga, now exploded, whereby, according to the Sastras, a Hindu widow of the regenerate classes is empowered, on failure of issue by her deceased husband, to raise issue for him vicariously by her husband's brother. It is, however, no case of marriage, and the practice, condemned long ago, has fallen into desuetude now for ages upon ages.

The witness may have some consolation to know that he has the support of the late Swami Dayananda Saraswathi in justifying the exploded doctrine of Niyoga. The difference between *re-marriage* and *Niyoga* are set forth by the Swami in his well-known work, 'Light of Truth', and he justifies the practice as not sinful. The Swami's disciples of the Arya Samaj have, however, not found their way to accept his view as to *Niyoga* as a body. A large and important section of the Samaj rejects it.¹

The other witness is I. W. No. XXVIII who, in answer to the question, says, "There is nothing in the social law of Malabar to prohibit a woman from having more than one husband at a time though the practice is almost extinct now. One cannot, therefore, excommunicate parties to such sambandhams or their children, and to this extent they must be considered as valid like all other sambandhams, and I would do it, but I would not recognise such sambandhams as valid marriages giving the parties legal status as husband and wife if legal recognition is to be given for sambandhams". Unlike witness No. 107 this witness does not recognise the advisability or necessity of legalising sambandhams, for in answer to question 3, viz., "Does the moral and material welfare of the community require that Sambandham should be given legal recognition?" he says, "I do not consider so, as there is no satisfactory or sufficient evidence before me that the moral and material welfare of the community have suffered by the absence of the legal recognition to be given for sambandhams". The position taken seems to be rather curious. While the witness does not want sambandhams which are now socially recognised to be recognised by law because the moral and material condition of the community is not prejudicially affected by such non-recognition, he considers polyandrous marriages to be socially valid but would not give the parties to such socially valid marriages any legal status in case sambandhams are to be legalised. The result appears to be that he wants polyandrous marriages to be continued to be supported as socially valid but not to be recognised as legal so as to secure to the parties and their issue legal rights. But why should the law deny to parties to unions recognised by society as valid, rights that arise out of such unions? If the community deems such unions valid the law also has to accept it as valid, for the law is made for man and not man for law. Is it not on this principle that sambandhams recognised by society are being given legal status? The witness's argument will therefore lead to the untenable, if not absurd, position, that the law should recognise polyandry and give it a legal status. But the witness is conscious that the community looks with no favour on such unions for he says that the practice is almost extinct now.

I. W. No. 62, a Nambudiri gentleman and President of a Village Panchayat, considers such unions as nothing less than prostitution, but thinks they cannot be taken to be altogether void. It must be remembered that the witness is also of opinion that the material and moral condition of the Nair community does not require that sambandhams should be legalised.

In judging those who are not opposed to polyandry, we have to remember that our moral sentiments are simply habits incarnated in our brain, or instincts artificially created and that which is reputed culpable at Paris or at London may be, and often is held innocent at Calcutta or at Peking. For instance, take the case of polygamy, the counter-part of polyandry. As observed by Laterneau "in order to judge impartially of polyandrous marriage, we must remember these elementary truths. Not, certainly that polyandry is rare amongst us, but it is certainly counted as criminal and obliged to hide itself. The legal and regulated possession publicly acknowledged, of one woman by several men, who are all husbands by the same title, shocks our feelings and morality extremely in the present day."²

1. Satyārtha Prakasika pages 180 etc.

The History of the Arya Samaj by Lala Lajpat Rai.

2. The Evolution of Marriage, page 74.

"It is an imperious condition which imposes the polyandric regime, viz:— a considerable inequality between the number of men and that of women." In Cochin, as already shown, the inequality is but slight and the excess in number is to be found not amongst men but amongst women¹. One can therefore well understand when the witnesses assert that polyandry has become almost extinct, if not altogether. In the "Cochin Tribes and Castes" Mr. Ananthakrishna Iyer observes that "nowhere in the Cochin State is this custom found to linger, no admitted instance of it has come to my notice in the course of my investigations into the customs and manners of the caste (of Nairs) in the various parts of the State"². We read in the Cochin State Manual that "polyandry has become altogether extinct. It began to disappear with the establishment of the British supremacy on the coast, when arms ceased to be the sole profession of the Nairs".

The Report on the Census of the State for 1911 also says that "polyandry does not exist in Cochin and polygamy is very rare" (para 59). But I. W. XCII, His Highness Prince Ravi Varma, assures us that it does exist in Cochin.

The improvement of the national morality and the nationalisation of the institution of marriage imperatively require the absolute prohibition of both polyandry and polygamy but it will be hard for the law to declare that a polygamous marriage, effected before the coming into operation of the Regulation and at a time when such marriage was not illegal to be illegal or invalid. I would therefore suggest that in prohibiting both polyandry and polygamy the section be so worded as to save polygamous marriages already existing. I would also add a further provision against persons who have a personal law allowing polygamy having a Nair wife and a caste wife at one and the same time.

I would therefore accept sections 4 and 5 of the Committee's draft Bill.

We next come to the subjects of dissolution and divorce. These I have discussed in paras 68 to 81 of my Travancore Memo. Hence I shall deal mainly with the provisions of the Draft Bill before us. Dissolution and Divorce.

The Draft provides three modes of dissolution in section 4, and I shall proceed to consider them *seriatim*. These are that marriages may be dissolved:— Three modes of dissolution.

(i) By the death of either party. This, I think, is as it should be. The Report of the Travancore Marumakkathayam Committee observes, "Among Nairs as among the Romans and even Christian nations, not subject to the Canon Law, marriage is a civil contract entered into between persons competent to form and dissolve it, the wife not being treated merely as the property of the husband as in the Hebrew Law. The death of either party, of course, dissolves the contract. In a community which permits divorce at the instance of either party, it would be preposterous to suppose that enforced widowhood will be tolerated. Therefore the first event that dissolves Sambandhams is the death of either of the parties".

(ii) By mutual consent evidenced by a registered document.

The practice of dissolution of the contract of marriage by mutual consent is by no means rare. It is only communities that have imported the spiritual element into the marriage tie that regard it as indissoluble and therefore no amount of consent of the parties can untie the knot tied by God. Not to speak of the Roman Law, the practice of dissolution by mutual consent is to be found even among some sects of Hindus as also³ among Ezhuvass and some makkathayam classes in Travancore. There the consent is evidenced by a registered instrument. The Malabar Marriage Commissioners seem to have no faith in consent of the woman so expressed or expressed in any other manner. In para 74 of their Report they set forth their reasons, and it must be admitted that there is considerable force in the remarks made by them. They observe:—"We are aware the State must specially guard the interests of those who have no voice in legislation and who are unable to protect themselves,—that is, the helpless women and children who outnumber the adult males by more than three to one. "Divorce laws", (says a modern writer), "should be the thorny burrs protecting the child, and preserving a house and training for it". We recognise that to talk of mutual consent is a mockery when the parties are not equally matched, and when it is in the power of the stronger to export from the weaker vessel a reluctant consent by systematic worry, tyranny, and ill-usage—we see that if divorce is to depend on mutual consent, a man or woman bent on divorce, is under the temptation of doing all in his or her power to render the union intolerable to the other party and that all hope of an amicable arrangement, is at an end".

1. Census Report for 1911. Table XIII. Page XLII.

2. Vol. II, page 38.

3. Mayne's Hindu Law. See also the Travancore Nair Committee's Report.

The principle that the marriage tie may be dissolved by the mutual consent of the parties is not denied. But it is shrewdly suspected that the consent may not generally be free, being the result of fraud, undue influence or coercion. Some proper safeguard must be found against these and the Travancore Regulation prescribes the execution of a registered instrument evidencing the dissolution. The registration of marriages by the parties appearing in person before the Registrar has been deemed objectionable, and their appearance before that officer to register the instrument of dissolution is no less objectionable. In para 39 of my Travancore Memo I had taken occasion to set forth the objections to the parties to the marriage presenting themselves before the Registrar, and the passage was quoted with approval by the Hon. Mr. K. P. Raman Menon, in his speech in the Madras Legislative Council asking leave to introduce his Marriage Bill. A better safeguard, I believe, would be to obtain a decree for dissolution from the civil court by means of a joint application by the husband and wife presented in court by themselves or through their duly constituted vakils. The proceedings in court would be more formal and solemn than that before the Registrar, and the court can *in camera* scrutinise the alleged consent and ascertain from the parties judiciously and judicially whether there was any occasion for fraud undue influence or coercion. The parties may be allowed also a *locus penitentiae*. I would therefore delete this clause, and have in its place the following:—

(iii) On either party renouncing Hinduism or becoming an outcaste.

The renunciation of Hinduism must be taken *ipso facto* to dissolve the marriage. Though caste is a peculiar feature of Hinduism, one in the fold may become an outcaste and yet remain a Hindu. There are instances in which a Nair woman has been taken into the washerman or barber caste. Similarly, there have been cases where Nambudiries and others, put out of caste under the order of the Raja for being suspected of having had criminal intercourse with a Nambudiri woman, remaining still a Hindu. Pattar Brahmans so suspected and put out of caste in this State have been retaken into caste and society under the orders of the Jagat Guru Sree Sankara Chariar of Sringeri Mutt on performing *prayaschittha* prescribed by the Guru. Such individuals are, I believe, still *out of caste in this State* till readmitted into caste by order of His Highness the Raja. What I submit is that renunciation of Hinduism and excommunication from caste must *ipso facto* dissolve the marital tie and that readmission by a foreign priest, albeit he is styled the Jagat Guru (the world preceptor), should not revive the tie once dissolved.

(iv) By a formal order of dissolution as hereinafter provided.

Section 4 of the Draft Bill may be amended as above.

Principles on which provisions for divorce are based. Sections 5 to 9 of the memorialists' Draft Bill provide the procedure for obtaining dissolution. These provisions are based more or less on the proposals of Sir T. Muthuswamy Iyer. That eminent jurist observes "that any system of divorce that is introduced into Malabar under the existing circumstances must satisfy two conditions, namely, (1) that it must be suitable to the present state of conjugal relation in Malabar, and (2) that it must at the same time adequately ensure the stability of the matrimonial union".

Present practice. The evidence taken by us makes it clear that though in practice the people are much better than their laws and customs, the husband or the wife may, in theory at any rate, divorce the other at will. No cause need be stated, no particular form is necessary, mere arbitrary will, mere caprice is enough. There is no marriage in the accepted *legal sense* of the term. Though the time of the conjugal union is tightening, the standard of morality is still low and the institution of marriage is still in its infancy. In such a state of society the proposal to regulate divorce by judicial process and by the annexing of a penalty to the abuse of the right of free divorce, should be the first instalment of reform. As society advances and accepts a more strict standard of morality, stricter rules of divorce may be laid down.

It will be seen that most of the witnesses desire that the present freedom of divorce should continue, that no restriction should be interposed, and that the machinery to secure divorce should be simple, inexpensive, and as such should not involve the exposure of the frailties of domestic life in public. Sections 5 to 9 of the Draft Bill would satisfy many of these conditions. A large number of witnesses, however, seem not to like a judicial process, but would be contended to go before a Panchayat of caste men to obtain a declaration of dissolution. A Panchayat of the nature contemplated, left to itself, would be an unsatisfactory tribunal and would not be altogether free from local and sectional prejudices, and it would be dangerous to entrust such a body with the power of deciding such a solemn and important matter. A judicial tribunal will by far be preferable with provision

to hold the enquiry *in camera*. A statement of the reasons for divorce, or an inquiry into them need not be enforced at present, that may be reserved for another instalment of reform as society advances in morality. The present instalment whilst practicable would be an undoubted improvement on the existing chaotic state of things and would elevate the tone of sexual relation. It would be susceptible of further development by paving the way for nationalizing marriage as a legal institution.

Left to myself, I would, in the interests of promotion of morality in the community, recommend a regular judicial enquiry into the cause of divorce before dissolution is granted with sufficient safeguard to secure domestic frailties from public exposure. The protection of national morality requires this, though it is a long step from the present state of chaos to the highly advanced system of judicial enquiry. To a large number of witnesses who seem to be averse to have enquiries into the cause of divorce and would prefer free dissolution, I am proposing a *vivum medium* which, while it preserves the present practice of free divorce to a large extent, would certainly check arbitrary divorce in so far as any claim for compensation would involve a judicial enquiry into the cause of divorce, a procedure so much dreaded, to discover which of the parties is in fault.

It appears to me that the provisions of section 5 with regard to the payment of compensation on dissolution are too one-sided to form part of a statute which ought to be even with regard to both parties.

Provisions
regarding
compensation.

The section provides that it is the privilege of the wife to receive compensation from the husband when he seeks divorce from her. On the other hand, she need not pay the husband anything when she drags him into court for the same purpose. In all cases when the husband seeks for divorce he has to buy it offering a sum of money to his wife in his application for dissolution. The court intervenes only to settle the amount and not leave the parties to haggle over the price.

Professor Patrick Geddes and Mr. J. Arthur Thomson have in their work on the 'Evolution of Sex' made a psychological analysis of the qualities of the sexes from a biological point of view. In the course of their analysis they point out that "the females excel in constancy of affection and in sympathy". It is argued on the basis of this observation that woman is not likely to offend man in the matter of constancy in marital relations and that the chances are that man is more prone to be oppressive against woman. Hence the justification of the theory that in every case where man seeks divorce against the woman, she should be entitled to full compensation. Those who argue thus forget that they are basing their argument on one of the many elements of comparison and contrast noticed by the learned authors and that such a process is altogether fallacious. The learned authors sum up their analysis thus: "Man thinks more, woman feels more. He discovers more, but remembers less, she is more receptive and less forgetful". The qualities indeed are evenly balanced so that there is no saying that the one, man or woman, is in any respect higher than the other and therefore deserves better or more kindly consideration. "To dispute whether males or females are the higher", remarks the learned authors, "is like disputing the relative superiority of animals and plants. Each is higher in its own way and the two are complementary". (Evolution of Sex—By Professor Patrick Geddes and J. Arthur Thomson—Contemporary Science Series, Vol. I, Revised Edition 1901, pages 288 to 291). See also 'Man and Woman' by Havelock Ellis, page 448. Contemporary Science series Revised Edition.

No doubt the popular theory is that woman is of the weaker sex and requires to be protected. In all cases in which the divorce is forced on her for no misconduct of hers, she should be fully compensated, but if she forces the divorce on the man, why should he not have some sorts of amends? Perhaps it may be urged that she may have no source of income for paying compensation if awarded, that she may possibly have recourse to undesirable measures and that, as any compensation to the woman will be by way of maintenance, the man cannot ask for compensation against the woman as he has no claim for maintenance against his wife. The argument may seem plausible, but is scarcely sustainable. Whether she has no source of income or means of payment is a question of fact which has to be decided on evidence in each case. If she has none, of course, the payment could not be enforced, for it would be a debt which she is unable to pay, and she is by the privilege of her sex exempt under the Civil Procedure Code from arrest and imprisonment. As to the possibility of her having recourse to undesirable measures, it would be a too uncharitable and unjust, not to say, an altogether unmerited calumny on her sex, to suppose that she would barter her virtue to get rid of an ill-assorted partner when she is certain of a decree dissolving the union and exemption from arrest and imprisonment for the non-payment of any compensation that may be awarded against her. The suggestion that I now put forward is not to make her pay any compensation to the husband, but to mulct her in property given her by her husband whom she has wronged, so that she will only be paying the

penalty of her mere whim, or may be of her misconduct. That any compensation given will be by way of maintenance is not true or correct.

Provisions
of the Tra-
vancore Re-
gulation.

In para 79 of my Travancore Memo I had made the suggestion that in the case of compensation payable to the husband the measure should be the pecuniary loss arising from the dissolution by the wife. The Travancore Marumakkathayam Committee recommended that, as a check on the indiscriminate exercise of the right of divorce, there should be a provision for the grant of compensation generally by the party seeking dissolution. Indeed, reciprocity required this. The Travancore Government in its order on the Report of the Committee was, however, of opinion "that in the generality of cases, the wife will probably be the respondent, and a husband, wishing a separation, may be tempted to put forward the plea of adultery on the part of the wife, to escape from the payment of compensation". The Government therefore ordered that there should be a provision 'that where the wife moves for dissolution', 'no compensation is awardable'. The Travancore Nair Regulation was accordingly passed in terms which I find are bodily imported into the Draft Bill here.

How these
work.

The actual working of the Travancore Regulation has, however, sadly belied the expectations of the Travancore Darbar. The husbands have yet to be tempted to put forward false allegations against their wives to obtain divorce from them.

Interrogatory witness No. XXI, Mr. C Sankarā Menon, B. A. & B. L., a vakil of the High Court of Travancore practising in Quilon, tells us:—"But from my experience of the working of the corresponding provision of the Travancore Nair Regulation (1 of 1088), I consider that the right of the wife to free dissolution should also be similarly hedged with restrictions. Under that Regulation, the application by husbands for divorce are very rare. They are mostly by wives. The causes that may be attributed to this are (1) the absence of any restriction on the wife's arbitrary exercise of this right, (2) as the husband's right of free dissolution is visited with the penalty of payment of compensation, he does not apply for dissolution of sambandham, but takes in another wife (the Travancore Regulation does not prohibit polygamy) and neglects the first wife and indirectly compels her (the latter) to apply for divorce. I do not think most of the petitions by wives are on account of the latter cause; for the unduly large number of petitions for maintenance under the provision of the Criminal Procedure Code by wives subsequent to the passing of the Regulation I of 1088 cannot then be otherwise accounted for."

The witness adds, "I do not see why a woman who desires separation from the husband for no reason but to cast her affection on another should be allowed to do so without compensating the husband for the loss he has sustained on account of the marriage with her". Here we may remember the observations of critic No. XIV that "there are innumerable instances in respected families themselves where women give up their husbands to better their prospects with some one else under pressure of elders or for some domestic reasons". The critic asks, certainly with great reason, "why should these not be required to pay compensation to the husband? And supposing again a rich man wants to divorce his wife for continued acts of insult or adultery, why should the court be precluded from taking the grounds of dissolution into consideration in fixing the compensation." (page 31).

The provisions that I propose, I believe, will be found to be an adequate check to such mischief as pointed out above. Surely the law knows of no such chivalry as would empower the fair sex to mulct heavy fines from their partners for no fault of theirs, possibly for errors or escapades of their own.

In place of the memorialists' draft sections 5 to 8 and the Committee's draft sections 6 to 10, I would substitute the following, viz:—

- (e) There shall be two grades of courts for the disposal of matrimonial causes under this Regulation, viz:—
- Matrimonial courts.
- (1) Courts of original jurisdiction, being the District Courts on their matrimonial side, and
- (2) Courts of appellate jurisdiction, being the Chief Court on its matrimonial side.
- (f) Petitions for dissolution and compensation and suits for maintenance by the wife against the husband, shall be filed or instituted in the court of original jurisdiction, i. e., the District Court on its matrimonial side.
- Filing of matrimonial petitions and suits.

(g) A husband and wife, or either of them, may present a petition for dissolution of marriage in the District Court, on its matrimonial side, within the local limits of whose jurisdiction the marriage was performed, or either the husband or the wife, or in case in which one of them alone is the petitioner, the respondent ordinarily resides, carries on business, or personally works for gain.

(h) Except in the case of a joint petition by the husband and wife, a copy of the petition presented by either of them for dissolution, shall be served on the respondent at the expense of the petitioner, and in the manner provided for service of summons in the Code of Civil Procedure.

(i) Six months after the service of the copy aforesaid, and in the case of all joint petitions, if the petition is not withdrawn or adjusted out of court in the meantime, the court shall declare in writing the marriage dissolved. The dissolution shall take effect from the date of the order declaring it.

(j) Where a marriage has been dissolved without the consent of the husband or the wife, and for no just cause for dissolution on the part of either, the wife is entitled to get compensation from the husband and the husband to the return of half the property being immoveables, given by him to the wife, if he has issue by him, the other half going to such issue in default of whom the whole shall be returned to the husband.

Proviso. Provided that the cause for dissolution is such that the party against whom the dissolution is sought, is not responsible for the same, in which case the court shall award maintenance, if the wife is the party divorced, as against the husband, a monthly allowance at a reasonable rate having due regard to the then position and circumstances of the parties.

(k) The court shall, on the petition of either party, specifying the cause for dissolution and fixing the amount claimed as compensation, or enumerating the properties claimed to be returned in the petition, cause notice of it with a copy of the same to be duly served on the respondent, proceed to enquire into the truth of the cause of the divorce confining itself to the allegations in the petition, and determine the amount to be awarded as compensation, if the petitioner is the wife, and the properties to be returned to the husband, if he is the petitioner. The amount awarded as compensation shall be reasonable and adequate, having due regard to the then position and circumstances of the parties. The court shall fix the period within which the properties specified in the order shall be handed over to the husband.

Orders for payment of compensation shall provide interest at 9% per annum as also mesne profits of the properties to be returned if the order be such. The order shall be executable and appealable under the Civil Procedure Code.

(l) Petitions under section (k) shall be filed within one year from the date of the order dissolving the marriage.

(m) The following shall be just cause for seeking dissolution:—

Adultery, cruelty and desertion for two successive years, change of religion or being outcasted, impotence, sexual incapacity, permanent and infectious diseases, unsoundness of mind, or any other cause which renders the mutual discharge of matrimonial duties incompatible with due regard to the personal safety.

(n) The inquiry into petitions for dissolution and return of property or compensation by the wife, for maintenance against her husband, under section 12 shall always be held *in camera*; the press and the public shall be excluded, and the evidence as well as judgment or order, except the decretal portion thereof, shall not be published without the written sanction of the court passing the order, on a joint application put in by the parties in each case previously obtained.

(o) The parties or either of them may, if they, or, he or she, so desire, request the court to have their cause tried by the judge in conjunction with a jury or panchayat of five men. Such jury or panchayat may be chosen from a panel of jurors or panchayatdars, not exceeding ten in number, prepared by the local Tahsildar from among the respectable members of the Nair community of the locality of the parties.

The jurors or panchayatdars shall be selected in each case by ballot before the trial commences and each party shall have the right of challenging any two of them. The

jurors shall then choose their foreman. They shall have the right of putting questions to witnesses through their foreman with the permission of the court.

The cost of summoning the jury shall be borne by the party or parties who desire a trial along with the jury.

(p) Where a trial is in conjunction with jurors, the Judge shall, at the close of the trial, place before the jury the facts and law of the case in clear terms reserving his own opinion and shall leave the verdict to the jury. The jury shall then consider the whole evidence and return their verdict through their foreman with any remarks or recommendation they desire to make. It lies with the jury to fix the amount of compensation or maintenance. The judge shall, after the delivery of the verdict of the jury, proceed to pass judgment. If the judge is of opinion that the verdict of the jury is perverse or is against justice and equity, he shall refer the matter to the Chief Court with his own opinion. If the jury disagrees and cannot arrive at a definite conclusion, the judge shall discharge the jury and proceed to pass judgment. The verdict of the jury shall be final and there shall be no appeal from a judgment in conformity with the verdict, unless it be on a point of law or procedure. It lies with the Judge to determine what properties are to be returned.

(q) All appeals and applications against the decrees and orders of the District Court on its matrimonial side shall lie to the Chief Court on its matrimonial side, and shall be heard and disposed of by a bench of two or more judges.

(r) The procedure prescribed for trial of civil cases in the Civil Procedure Code shall apply to all trials of matrimonial causes under the Regulation.

The provisions set forth above will, I believe, satisfy the wishes of a large number of witnesses who desire to retain the present right of free divorce. Under these the applicant is entitled to obtain an order for dissolution on the expiry of the time prescribed as *locus penitentiae*. The court need not enquire into the cause of the divorce before ordering dissolution. That enquiry comes later, on a subsequent petition of the parties who claim compensation or the return of the properties, when he or she has to specify the cause or causes for divorce in his or her petition and to prove them to the satisfaction of the court to entitle him or her to recover compensation or the return of properties given. The enquiry will be held *in camera* and the evidence will not be published without the special sanction of the court. So the frailties and scandals of domestic life will not be open to the view of the general public. In preferring such a petition the party may be taken to be swayed by pecuniary considerations and has no claim to indulgence on the score of sentiment. He or she can avoid the enquiry by holding back his or her claim and by not rushing into court dragging the other behind; the more so, that he or she has secured the main object, the divorce. It will be noticed that the proviso to section 10 of the memorialists' Draft Bill allowed the husband to prove all unsavoury matters in defence of refusing maintenance to the wife. Such defences are allowed in criminal courts by the Criminal Procedure Code and one fails to see any reason why he should not be allowed to prove them in a civil court when seeking compensation. There is, indeed, something in the argument that only the lower classes would resort to the criminal court and that if such reasons are allowed to be put forward in the civil court, the higher classes may take advantage and abuse the concession. But the higher classes whose *amor proprio* may be affected by the exhibition of domestic scandals in court will no doubt get matters adjusted outside court, and this would afford a wholesome check against the higher classes rushing into court for divorce.

The principle of compensation and return of property—borrowed from Roman Law.

The principle underlying the provisions regarding the award of compensation to the injured party in a divorce and those regarding the return of property given by the husband in certain circumstances, to enure to the benefit of the issue, are borrowed from early Roman Law. I have already pointed out that the incidents of the Early Roman Marriage are almost identical with those of the present day Nair sambandhams. No set form no ceremonial was necessary, no registration or any sort of State interference. The consent of the parties alone was sufficient. There were no pecuniary rights arising out of the marital union. Divorce was absolutely free. All these are the incidents, it will be observed, of the present day Nair sambandham.

The Roman bride brought with her land or goods, either her own, if she were independent, or bestowed by her father or other relative. This property which was destined for the support of the married pair and their children, was called *Dos*. The administration and usufruct of it pertained to the husband, while the ultimate ownership remained in the wife or in the father who constituted it. In the latter Imperial period a sort of second form of

matrimonial property was introduced called the gift for the sake of marriage (*donatio propter nuptias*). It was made by the husband and remained his property.

“The heathen Emperors might probably have been glad”, observes Lord Bryce, “to check the power of capriciously terminating a marriage, but public opinion, which clung to the principle of freedom, would have been too strong for them. All they did was to impose pecuniary penalties on the culpable party by entitling the husband to retain one-sixth of the *Dos*, in case of the wife’s infidelity, one-eighth, if her fault had been slight to which, if there were children, one-sixth was added in respect of each child, but so as not to exceed one half in all x x x If the husband was the guilty party, he was obliged to restore the *Dos* at once, instead of being allowed a year’s pace”.

x

x

x

“Nevertheless, even the Christian Emperors did not venture to forbid divorce. They heightened the pecuniary penalties on the party to blame for a separation by providing that when the misconduct of the wife gave the husband good grounds for divorcing her, she should lose the whole of the *Dos*, and where it was the husband’s transgression that justified her in leaving him, he should forfeit to her the property he had settled, the *donatio propter nuptias*. In both these cases the ultimate ownership of these two pieces of marriage property was reserved to the children, if any, by the husband or wife, as the case might be, taking the usufruct or life interest. If there was no *Dos* or *Donatio*, then the culpable party forfeited to the innocent one a fourth part of his or her private property. The definition of misconduct included a frivolous divorce, so that capricious dissolutions were in this way discouraged”. (Studies in History and Jurisprudence, Vol. 2, pages 397 and 398 and 406 and 407).

It may be mentioned here that some of the witnesses examined are of opinion that where the wife seeks divorce she should return the properties given her by the husband. See V. V. witnesses 23, 24, 35, 38 and 169.

It may perhaps be objected that the provisions regarding divorce are elaborate and complicated, and therefore offends against the principle enumerated by Sir T. Muthuswamy Iyer that an elaborate system of judicial divorce would not be suitable at present. But it will be observed that freedom of divorce is retained, that the cause for divorce need not be enquired into and that dissolution is worked out automatically on presentation of a petition, after an interval for *locus penitentiae*. It is only at another stage that the question of the cause for divorce is gone into and this only on the party claiming compensation or return of property. Then pecuniary considerations come into play, and all sentiment is thrown to the winds and he who sows the wind may be left to reap the whirlwind. The inquiry is made *in camera*, and all sorts of safeguards are vouchsafed, and the tribunal will be assisted by jurors of the same nationality as the parties, if so desired. The suggestion as to the constitution of matrimonial courts and the jury system have their analogy in the Parsi matrimonial courts and the Parsi Panchayat.

I am sorry I have to differ once more from my colleagues, this time, with regard to the provisions for divorce. The provisions of the Committee’s Draft Bill will be found to be altogether different from those that I have proposed. In my memo dated the 5th of Makaram 1094, I had pointed out to my colleagues that the provisions suggested by me were calculated to prevent arbitrary and capricious divorce, afford equal redress as between the parties to the divorce in law, equity and justice, promote morality in the community, safeguard the secrecy of domestic life and its frailties from being exposed in open court, seek the aid of the members of the community itself in deciding questions that arise as to the cause of the divorce, etc., and relegate the enquiry into such causes to a further stage when pecuniary considerations alone are brought into play and honour and sentiment are sought to be bartered for filthy lucre.

Let us now proceed to the consideration of the legal consequences of marriage. These are :—

- (1) Cohabitation.
- (2) Maintenance.
- (3) Guardianship and custody of children.
- (4) Succession
 - (a) Testate, and
 - (b) Intestate.

Incidents of marriage, that is, rights and duties arising out of marriage.

(1) *Cohabitation* :—It follows from the nature of the matrimonial relation that the husband and wife must each be entitled to the society of the other; so sacred and peculiarly favoured is the association between man and wife in the eye of the law that our Penal Code, while punishing the harbouring of offenders generally, does not regard it an offence when the harbouring is by the husband or wife. (Section 202 of the Cochin Penal Code).

So far the duties of the husband and the wife with respect to each other's person are reciprocal. But perfect equality of rights in the married couple has yet never been allowed by any system of law. The marumakkathayam system, however, makes no essential difference between the rights of the married couple as against each other. Each party may separate from the other at will. The parties have no rights to the property of each other. The proposed law recognises the position. However, as Dr. Gurudas Bannerjee observes, "without denying the position maintained by some of the most advanced thinkers of our age, that in conjugal society equality is the best form of that society, it must be admitted that such equality is practically allowable only in persons of a high degree of culture; and that in the majority of cases, some form of domestic government is necessary to prevent disorder and discord, which would otherwise inevitably arise from the conflict of opposing wills, both equally supreme in persons bound to live together. And if there must be inequality, it is not difficult to see that it must be in favour of man. "In his hands", to use the language of Bentham, "the power maintains itself. Give the authority to the woman, and every moment a revolt would break out on the part of the husband". So far the Nair wife admits her inequality to her husband and keeps herself in subordination to him. Many of the witnesses however tell us that the practice of the husband and wife living together in the same house is now becoming general; though it is not yet the rule. It is only at intervals that they come together as each lives in his or her tarawad and the husband visits the wife in her tarawad house.

The custody of an infant wife belongs as a rule not to her parents, but to her husband. This principle is recognised by the Draft Bill in section 2. As I have already observed, I am against the marriage of minors, whether male or female, and so the question of the custody of a minor wife does not arise for discussion here.

Under most systems of law the liberty of the wife is liable to be considerably restrained by the husband. The right of the husband to have the society of the wife obliges her to follow him wherever he chooses to reside. But under the Marumakkathayam Law, as she has a secure residence in her tarawad and also the right to be maintained by her karanavan, she may choose not to accompany him whither-so-ever he goes; but unless she gives sufficient reasons for not accompanying him, she will be deprived of her right of maintenance from her husband. With regard to the husband and wife living together in the husband's house, the evidence is similar to that given by witnesses in Travancore, and reference may be made to my observation in para 83 of my Memo.

Now coming to the remedies of the husband against the infringement of his marital rights where the wife is qualified by her age to perform her conjugal duties, the proper remedy for the husband is a suit for restitution of conjugal rights. And where the husband and wife cannot agree to live together as such, the husband may sue the wife for judicial separation. I have already argued against pre-puberty marriages, and, as the obtaining of divorce is easy under the proposed Regulation, these remedies of the husband against the wife are altogether unnecessary, and I would add a section to the effect that there should be no suit for restitution of conjugal rights or for judicial separation. Section 11 of the Committee's Draft Bill.

The necessity for a provision like this is that the rights herein mentioned being civil rights could ordinarily be exercised freely by the parties, and unless prohibited by statute, civil courts would be bound to entertain such suits. Parties may, if so inclined, institute such suits without seeking divorce, though divorce is made easy, and thus one party may harass the other, and enforce the decree obtained under the Civil Procedure Code, and put him or her in jail, or attach property, or do both. It is to avoid such harassment that some provision like this is proposed.

The difficulties of such suits are obvious. It was at one time doubted whether such a suit, as the one for restitution of conjugal rights, will lie in the civil courts, and the ground for such doubt was the difficulty of enforcing the performance of conjugal duties in their detail. That difficulty is now got over by the provisions of the Civil Procedure Code which provide that a decree for the restitution of conjugal rights may be enforced by the imprisonment of the person and the attachment of the property of the person against whom such decree is made. A judicial separation prevents the parties from marrying again unless they get a divorce. Under these circumstances, I think these remedies are altogether unnecessary and inexpedient.

The marital rights of a husband as against the wife, i. e., his rights *in personam* are those mentioned above. His rights as against the world, i. e., those *in rem* are that no other man shall by force or persuasion, deprive him of his wife's society still less be criminally intimate with her. An analogous right might, of course, be conceivably recognised as vested in the wife and is said to have been recognised in recent American cases. Professor Holland adds in a note that the proposed Civil Code for the State of New York expressly forbids, (part ii—32) "the abduction of a husband from his wife or of a parent from his child". Lords Campbell and Browgham in *Lynch v. Knight* 9 H. L. 577.¹

The right is infringed by abduction, or harbouring of, or by criminal intimacy with, another man's wife. Provision has to be made to protect these rights by punishing those who infringe them and I would do so by adding a section to that effect.

(s) The provisions of the Penal Code regarding offences against marriage, chapter XXX, shall be applicable to such offences under this Regulation.

(2) *Maintenance.* Another right arising from marriage is that of maintenance and guardianship of wife and children by the husband. This is dealt with in sections X and XI of the Memorialists' Draft Bill—Chapter III, sections 12 to 14 of the Committee's Draft.

It will be admitted that it is the duty of the husband to maintain the wife and that of the father, the minor children. As Dr. Westermarck observes, even in the olden days when the children were thought to belong to the uncle whom they succeeded in rank and property, the father was not relieved from the obligation of supporting them².

After referring to the nature of the marriage union as one giving a personal right on the part of the members of the opposite sexes, as persons, to acquire one another really and reciprocally by marriage, Immanuel Kant goes on to observe, "In like manner, from the fact of *Procreation* in the union thus constituted, there follows the duty of preserving and rearing *children* as the products of this union. Accordingly children, as persons have, at the same time, an original congenital right—distinguished from mere hereditary right to be reared by the care of their parents till they are capable of maintaining themselves, and this provision becomes immediately theirs by Law, without any particular juridical Act being required to determine."

"For what is thus produced is a *person*, and it is impossible to think of a being endowed with personal Freedom as produced merely by physical process. And hence, *in the practical relation* it is quite a correct and even necessary Idea to regard the Act of generation as a process by which a person is brought without his consent into the world, and placed in it by the responsible free will of others. The Act, therefore, attaches an obligation to the parents to make their children—as far as their power goes—contended with the condition thus acquired. Hence parents cannot regard their child as, in a manner, a thing of *their own making* for a being endowed with freedom cannot be so regarded. pp. 110-115.

"From the duty thus indicated, there further arises the Right of the Parents to the management and training of the child, so long as it is itself incapable of making proper use of its body as an organism, and of its mind as an understanding. This involves its nourishment and the care of its education. This includes, in general, the function of forming and developing it *practically*, that it may be able in the future to maintain and advance itself, and also its moral culture and development, the guilt of neglecting it falling upon the parents. All this training is to be continued till the child reaches the period of Emancipation (*emancipatio*), as the age of practicable self-support." p. 116.

The father is responsible for the child's existence in this world. He should therefore be held primarily responsible for its maintenance³. The right of the wife to be maintained by the husband is also evident⁴.

With regard to section 10, I have to observe that there may be major unmarried daughters living with the father. The section does not enjoin on the father to maintain them, and, as they are not living in the tarawad house, the karanavan need not give maintenance to them elsewhere unless it be held that they have proper grounds for living away from the tarawad house. So long as they were minors the father may be bound to maintain them. But as soon as they become majors, they are deprived of it, and, unless they leave him and take up their residence in their tarawad, they will be deprived of all means of living.

1. Holland on Jurisprudence pages 150 and 151.

2. Page 40 and 41 History of Human Marriage.

3. Mill's Principles of Political Economy, 9th Ed. Vol. I, page 276. Also Sidgwick's Elements of Political Economy, 2nd Ed. page 56.

4. Ibid, page 57.

It may be objected that it is against the general principles of law to require that major members, whether male or female, should be maintained, and that it would be well to leave it to the good sense of the father and the love he has for his children to maintain them after they have attained their majority. The principle on which minors are enjoined to be maintained by their parents and guardians is that at their age the minors could not be expected to work for their livelihood and have therefore to depend on their guardians. If this is the reason for the law to require that minors should be maintained, it applies to the major unmarried daughters also. For it is well known that the state of Nair society is such that women, and especially unmarried girls, cannot and do not go out of their houses to work for their livelihood. The law has to adjust itself to the state of society in which it is made applicable. They may get their maintenance in their tarawad if they go and live there but they may naturally want to live with their mother who of course will be with the father who may not be inclined to extend his support to the daughter if the law does not require him to do so.

It is nothing but right that they should be relieved from this sorry plight.

The fact of their having a right to be maintained by the father or husband should not prejudicially affect their right to maintenance from the tarawad, for that is the only means of participating in the enjoyment of the joint tarawad property.

I may point out a mistake in the printing of the section 10 of the memorialists' Draft Bill.

It would be desirable also to define the extent of maintenance that the wife and children are entitled to.

I would adopt the section proposed by the Committee with the addition of the words "if she lives in adultery", as one of the causes for disentitling the wife to get maintenance from her husband. See section 12 of the Committee's Draft.

The memorialists' Draft section 10 contains these words and the section in the Criminal Procedure Code providing for the wife's maintenance as also the Travancore Nair Regulation. They are dropped here apparently for the reason that their retention would enable parties to wash their dirty linen in court which may probably lead to the corruption of public morals. So far as enquiry into the adulterous life of the wife would wound the sentiments of the persons concerned, I have already observed that once they seek the arbitration of the court they must abide by the consequences. However, I have provided that suits for maintenance should also be heard and disposed of *in camera* and that there should be no reporting of the proceedings or the order of the court except the decretal portion thereof without the written sanction of the court in each case on a joint application of the parties. Thus there is no chance of wounding personal feelings or of corrupting public morals. Really one fails to see why an adulterous wife refused maintenance in a criminal court should have a civil right to be maintained by the husband. If it is contended that living in adultery will not be a just cause for withholding maintenance, I am afraid that it will be a deliberate incitement to live a bad life. Anyhow this will not be in aid of morality.

(3) *Guardianship*.—"It has been suggested", says Westermarck, "that, in olden times, the natural guardian of the children was not the father, but the maternal uncle. This inference is drawn chiefly from the common practice of a nephew succeeding his mother's brother in rank and property. But such cases are rare. Besides, most of them imply only that the children in a certain way belong to the uncle, not that the father is released from the obligation of supporting them¹".

With regard to guardianship, section 11 of the memorialists' Draft deals with this. I think that the following draft section will be found more exhaustive than the Committee's Draft:—

(t) "The father, and on his death, his major son, in default of whom the mother, and in her default, the major daughter, if any, in the last instance, the direct karanavan of the minor, failing whom, the common karanavan of the tarawad, shall be the legal guardian of the minor children in respect of their person and property, if they are being maintained by him or her and live with him or her or are under his or her control and protection.

Provided that,

(1) Where the wife has minor children by a former husband, deceased or divorced, she shall be the legal guardian of such children in respect of their person as also of the separate properties appertaining to them.

(2) Provided also, that the guardianship of the father, etc., shall not extend to the right and interest of the wife and children in any property in their tarawad, in respect of which their karanavan shall be the guardian."

Here I may refer to my observations under the heads of maintenance and guardianship in paras 81 and 82 of my Travancore Memo.

(4) *Inheritance*.—The next most important right arising out of marriage is the right of inheritance to the self-acquired and separate property of one marrying under the provisions of the new law. "The reasons usually assigned by modern writers", says Mill, "for giving the property of a person who dies intestate, to the children or nearest relatives, are first, the supposition that in so disposing of it the law is more likely than in any other mode to do what the proprietor would have done, if he had done anything, and secondly, the hardship, to those who lived with their parents and partook of their opulence, of being cast down from the enjoyment of wealth into poverty and privation". Contrasting the claims of collaterals with those of one's own children, Mill observes that the latter are "real and indefeasible". He says, "The duties of parents to their children are those which are indissolubly attached to the fact of causing the existence of a human being. The parent owes to society to endeavour to make the child a good and valuable member of it, and owes to the children so far as depends on him such education and such appliances and means as will enable them to start with a fair chance of achieving by their own exertion a successful life. To this every child has a claim¹". Bentham finds in "the presumption of affection or want" the foundation of the rules regarding title by succession².

Most of the witnesses examined here have not evinced any strong opposition in conceding this right like the witnesses examined before the Malabar Commission; on the other hand, they cheerfully agree with their brethren in Travancore in thinking that they owe a duty to their children. Strangely enough, even some of those who do not want sambandhams to be legalised urge that the issue of these sambandhams with no legal basis should be entitled to succeed to a share of the self-acquired property left undisposed of by their father, e. g., I. W. XXVIII.

The witnesses may be divided into four classes:—

(1) Those who are for legalising sambandhams and conceding the right of inheritance; e. g., V. V. W. 1, 2, 3, etc.

(2) Those who are for neither; e. g., 148 etc.—I. W. XCII.

(3) Those who are for legalising sambandhams but not for conceding the right of inheritance; e. g., 128, 246, 247, etc.

(4) Those who are for conceding the right of inheritance but not for legalising sambandham; e. g., I. W. XXVIII, etc.

Under the first class come those who are of the educated and intelligent classes and they form the majority.

To the second class belong witnesses who are representatives of the now decadent aristocracy with pretensions to superiority of caste, and the representatives of the higher castes and classes, and those that are backward in education.

To the third belong those who realise the shame of bastardy but wish to keep the old marumakkathayam system intact out of mere sentiment and force of habit.

To the last class belong those who realise their duty to their children; yet want absolute freedom, if not license in sexual relations.

Even those who are not willing to concede the right of inheritance and succession to the wife and children are in favour of making some provision for their maintenance.

The objections urged against conceding the right of inheritance to the wife and children resolve themselves into the following:—

(1) That it will cut at the root of the marumakkathayam system, and

(2) That it will introduce a system of double inheritance which is likely to increase litigation.

(1) The marumakkathayam system is based on the doctrine that there is no merit in female virtue and no sin in unchastity³, and of this doctrine the very defenders of the system are heartily ashamed. The abrogation of this doctrine and the recognition of the legality of sambandhams with the enactment of provisions to protect the chastity of women

1. Principles of Political Economy, Vol. I, page 275.

See also the dicta of Immanuel Kant cited *supra*.

2. Theory of Legislation, page 178.

3. Malabar Marriage Commission Report, para 60, Keralamahatmyam.

Classification
of witnesses
with regard
to inheritance.

Objections
to conceding
the right of
inheritance.

cut, no doubt at the root of the archaic system of marumakkathayam which has become effete in course of time and quite unsuitable to modern ideas of morality and progress. The scope of the Committee may be taken to be to report on the expediency of introducing a marriage law as a graft on marumakkathayam usage without *unduly* interfering with the customary law of inheritance. Now, what we have to see is whether, in proposing this right of inheritance to the wife and children of the half share of one's self-acquired or separate property, we are trenching on the customary law of marumakkathayam, and, in doing so, whether we have the support of the followers of marumakkathayam? It is asserted by some of the witnesses that, in this respect, what is proposed is simply the legal recognition of an already existing custom of making some provision for one's wife and children. Such at least is what can be gathered from the trend of the evidence. I may say that I have come across documents making such provision, and I have been informed that there are documents which show that even after the death of the father his tarawad made provision for his wife and children. But this, however, is the exception. The witnesses are almost unanimous in their opinion that there is a growing sense of duty on the part of the husband to make some provision for his wife and children, and they, almost in one voice, propose that a proportion of one's self-acquired or separate property, left undisposed of at one's death, may be given as their share of inheritance, the remainder going to the marumakkathayam heirs. There are 400 witnesses in favour of conceding the right of inheritance to wife and children. See statement No. XV. This fairly meets the claim of both the legal and natural heirs and takes away the sting out of the objection that the concession cuts at the root of the tarawad system. Of course, any right conferred by law on any member of a marumakkathayam family or on his wife and children which would deprive the tarawad of the chance of getting the *whole or any portion* of his self-acquisitions works against the tarawad system. The recognition of the right of an anandaravan to acquire property for himself which he could dispose of at will and which could be seized by his creditors in satisfaction of his debt, even after it has lapsed to the tarawad on his death, is itself foreign to the marumakkathayam¹ law in its strictest integrity. His right again to will away such property is another in-road made into the Marumakkathayam Law², yet again, the recognition of the right of the thavazhi to which he belongs to succeed to his self-acquisitions is another incursion on the strict integrity of the Marumakkathayam Law³. In Cochin it is the accepted law at present⁴.

Some of the witnesses who oppose the concession of the right of inheritance seem to think that the wife and children should be maintained by the tarawad of the father, just as any of its own members. This would mean that the tarawad property would be charged with the maintenance of the wife and children of all its male members whether they leave any self-acquired property or not, which is certainly trenching on the rights of its legitimate members.

(2) The second objection that it will introduce a double system of inheritance which is likely to increase litigation need not detain us long; this objection is an old one and has been discussed by the Madras High Court in the case reported in I. L. R. VIII Madras, page 239. Their Lordships quote with approval the observation of the able and experienced Sub-Judge Mr. De Rozario that "it cannot be concealed that there is a feeling of discontent with the marumakkathayam system among the classes that are governed by it and by none is the hardship of the rule more felt than by Tiyas (who were the parties in the suit) who having adopted a system of marriage and acquired with it, as the natural consequence, a love of their offspring, are debarred by this system from transmitting to them their acquisitions which descend to some remote relation who is not unfrequently a third or fourth cousin of the acquirer". The High Court, while admitting that the double system of descent was incongruous proceeded to point out that similar incongruities are not unknown to the law elsewhere. They observe that in England "the eldest son may succeed to one estate in virtue of the general law of primogeniture and the youngest to another in virtue of the custom of Borough-English, and all the sons in equal shares to a third in virtue of the custom of Gavelkind". The High Court finally ruled that where a marumakkathayam woman and a makkathayam man intermarry, the issues are *prima facie* entitled to their father's property in accordance with makkathayam and to their mother's property in accordance with marumakkathayam.

There are already in Travancore, Cochin and in the British District of Malabar communities in which a double system of inheritance prevails. The Ezhuvas and Nanjanadians in Travancore, some Ezhuvas in Cochin, and the Mappilas and Tiyyans of North Malabar follow this system of double inheritance. The Travancore Marumakkathayam Committee's Report as well as the Malabar Marriage Commission Report make it clear that, though condemned by Mr. Justice Holloway as a "piebald" system of descent, it has not yet shown a tendency to increased litigation. The increase in the extent of litigation

1. II Madras H. C. Report 162, I. L. R. IV Madras 150.

2. The Malabar Wills Act. - The Travancore Nair Regulation.

3. 8 and 4, Cochin Law Reports IV, page 131.

will be no more than will be necessary to distinguish between what is self-acquired and and what is ancestral property in cases of devises by wills.

As society advances, and the constituent members feel it their duty that they should make some provision for those for whose existence they are primarily responsible, and seek the aid of the legislature to come to their assistance in case they themselves by some chance or other fail in that respect, it appears to me that the legislature should, in furtherance of the expressed desire of the community, concert measures to meet their wishes.

Part VI of the Draft Bill regulates intestate succession, that is, inheritance to self-acquired property left undisposed of by a deceased person. Sections 24, 25 and 29 relate to succession to such property by the deceased wife and children. Sections 26, 27 and 28 regulate succession to such property by the marumakkathayam heirs. I think it would be well and more consistent to place the first series of sections separate, coming after Part III relating to the maintenance and guardianship of one's wife and children. As already observed, we are trying to introduce a marriage law with its incidental rights as a graft on marumakkathayam usage, and it would be more consistent to have the provisions of the Regulation relating to the newly grafted branch separate from the provisions regarding the marumakkathayam stock on which the graft is made.

Sections 24, 25 and 29 contemplated only the case of inheritance to self-acquired or separate property of Nair husbands. We have seen that custom permits a Nair female to marry a Non-Nair husband of a higher caste. The custom has the sanction of ages. Either such a custom has to be put a stop to and marriage among the Nairs be confined to the members of the community, or it should be declared that the Nair widow and children of the high caste husband or father are entitled to inherit part of his self acquired or separate property. The non-Nairs who marry Nair females are of two classes viz:—makkathayam Brahmans and marumakkathayam Kshatriyas and others who by custom are considered eligible matches. Of these the former alone have a personal law of property which differs from that of the Nairs, while the latter are governed by the same law as theirs.

It is objected, in certain quarters, that any provision permitting the Nair wife and children to inherit the self-acquired or separate property of the high caste husband or father would encroach upon his personal law. The Travancore Marumakkathayam Committee's Report para 65 favours this view. The Committee observes that "where the father belongs to a higher caste, Brahman or Kshatriya, the wife and children should not be declared entitled to a share of his self-acquisition". The same para will also show that I, as a member of that Committee, had expressly dissented from the Committee's view, and paras 90 to 93 of my Memorandum set forth the reasons for my dissent. The Travancore Committee's Report observes "that it must be noted that the power of the Brahmans to dispose of their self-acquisitions as they like exist only up to their death, but on their death their personal law comes into operation and the giving away of the acquisition to persons not recognised by that law is an interference with the personal law of Brahmans". Reference is made to page 656 of the Mayne's Hindu Law.

Now in the earliest state of Hindu society self-acquired property did not exist. It was unknown to the patriarchal family. The whole of the property was then owned by the father, and all acquisitions made by the members of the family were made for him, and fell into the common stock. As civilisation advanced, and commerce and new industries arose, the necessity for the recognition of one's right to one's own acquisition became apparent, and the acquirer was at first given a special share in his self-acquisitions at the time of partition. It does not appear that an acquirer had from the first an absolute property in his acquisition to the extent of disposing of it anyway he thought fit. While the family remained undivided, he would be entitled to the exclusive use of his separate gains. If he died undivided, they would probably fall into the common stock. Probably he was only allowed to alienate where such alienation was the proper mode of enjoying the use of the property. In course of time his right to alienate his self-acquisitions absolutely was recognised. Whatever property is so completely under the control of one that he may give it away *in specie* during his life-time he may also be allowed to devise by will. And so a man may bequeath his separate or self-acquired property, and one who, by the extinction of coparcenery, holds all his property in severalty, may also devise it, even in Malabar, so as to defeat the claim of remote heirs.

The origin and development of rights over self-acquired property in Malabar was almost the same. According to the existing Malabar Law, a member of a tarawad may make separate acquisitions, and dispose of them as he pleases during his life, but anything that remains undisposed of at his death becomes part of the family property¹. These were exactly the rights a man possessed over his self-acquisitions under the Hindu Law till the decision of the Sivaganga case. It will be noted that the power of the marumakkathayee Nair or Kshatriya to dispose of his self-acquisition as he liked existed, exactly like that of the Brahman, only up to his death, and that on his death his personal law come into operation, and the giving away of the acquisition to persons not recognised by that law, i. e., to his wife and children is an interference with the personal law of the marumakkathayee Nair or Kshatriya. And yet this was what the Travancore Committee recommended and what we now propose to do. It is difficult to see the principle of objecting to interference in the case of Brahmans, while such interference is recommended in the case of marumakkathayee Nairs, though objected to again in the case of marumakkathayee Kshatriyas.

The provision for the wife and children is sought for only from such self-acquisitions as described before. Even under the Hindu Law—the Mitaksbara, if a man dies undivided, but leaving property part of which is his self-acquisition, his heirs will succeed to that part though the rest of his property, i. e., his joint interest in the co-parcenary passed by survivorship to his co-parceners. This was finally settled by the Judicial Committee of the Privy Council in the Sivaganga case (9 M. I. A. page 539). See also observations of Sundra Iyer, J, in 38 Madras at pages 61 and 62.

The rule of survivorship as regards self-acquisitions was knocked on the head by the Privy Council in the Sivaganga case, and the principle of the decision has been followed with regard to the self-acquisitions of a marumakkathayee also by the Madras High Court in I. L. R. 4 Madras 150; 12 Madras 126; and 22 Madras 9. Finally in 38 Madras, page 48 a Full Bench has held that such self-acquisitions would descend to the acquirer's heirs in the case of a female by inheritance and does not go by survivorship to the tarawad. The High Court of Travancore and our own Chief Court have accepted the principle of inheritance by thavazhi of the self-acquisition whether of a male or a female. (21 T. L. R. 102 and 1 C. L. R. 187.) It has been held by the Chief Court recently that a Nair's self-acquisition goes by inheritance to his direct heirs, his thavazhi, in preference to his tarawad. (1 C. L. R. page 187 and 4 C. L. R. page 131.)

The Nambudiries, it has been held, when they migrated into Malabar, carried with them their personal law, but it has never been held that the Malayalee Kshatriyas are emigrants from a foreign land who had brought their personal law with them if they had any such.

The Census Report of Cochin of the year 1901 observes, that "we have already stated why the Malayalee Kshatriyas could not have formed part of the Aryan colonists brought in by Parasu Rama. We have also indicated that they must have come into existence in Kerala in all probability only after the advent of the Perumals" (para 98, part (1).

If, however, they are to be classed as emigrants on the authority of the Kerala mahatmyam, the Keralolpathy or tradition, the Nairs have as much claim to be colonists in Kerala on the strength of the same authorities; and the personal law of the Nairs and the Malayalee Kshatriyas does not differ with regard to inheritance and succession, though the Travancore Report would seem to claim for the Kshatriyas a personal law other than that of the Nairs, on what authority, it does not appear. If the personal law of any of these higher classes clashes with well-known principles of political economy, surely the former, as the handiwork of man, should give way to the latter, the result of natural laws. If it is argued that the giving away by law of a Brahman's self-acquisition or a part of it, after his death, to his Nair children, would be an interference with the Brahman's personal law, the answer is that it stands on the same footing with interference with the personal law of the Nair which at present does not recognise the inheritance of his self-acquisition by his wife and children. The liability of even a Brahman's self-acquisition to maintain his Nair wife and children has been upheld by the Travancore High Court. The Travancore Committee's Report speaks of the caste of the Kshatriya being as much a part of his personal law as his law of inheritance, and goes on to say that to interfere with caste rules is to interfere with religion which the legislature never assumed power to do. It has been already shown that the Malayalee Kshatriyas have no personal law of marriage and inheritance other than that of the Nairs. The Kshatriya caste has nothing to do with his law. A Kshatriya is as much a full marumakkathayee as a Nair despite the difference of caste. The question of interference with caste rules and religion is altogether irrelevant and beside the point. There is no use of raising the bogey of religion. 'Religion in danger', is a false cry set up simply to scare the legislature. The recognition of two

¹ Moore's Malabar Law, page 176.

classes of marriages, namely, those between a Nair male and a Nair female and those between a high caste male and a Nair female, with rights of inheritance in the one and not in the other, is, I think, highly invidious and detrimental to the improvement of the community.

The legislature, when making provision for the regulation of inheritance, is more likely to do, as pointed out by Mill, what the proprietor himself would have done if he had done anything. The principle that a man who begets children should be under an obligation to maintain them could hardly be disputed. The father is therefore primarily responsible for making provision for his children. The reasons on which this proposition is based apply equally to maintenance during the father's life-time and maintenance after his death for which purpose perhaps this sort of inheritance after his death is designed. These principles are as much applicable to Brahmans and Kshatriyas as to anybody else. The twice-born are not exempt from the operation of the inexorable principles of political economy.

Inheritance is the creation of law, witness, the Indian Succession Act, the Parsee Succession Act, the recent Moppila Succession Act, the Travancore Nair Regulation, the Travancore Syrian Christian Succession Regulation, etc. As remarked by one of the greatest Judges of England, "Law is made for man and man not for law". When a special law is being enacted for the well-being and progress of a community, the occasion may be seized to lay down such rules as would make no invidious distinction in rights arising from marital unions recognised as legal in one and the same community. The necessity for legislation being made evident, if it is objected that any change will affect the principles of other systems of law (which is not admitted), I may quote in answer Sir Frederick Pollock's observation that the legislature is not bound to conform to the known existing rules or principles of law; statutes may not only amend but reverse the rule or they may introduce absolutely novel principles and remedies" (See Travancore memo paras, 88 to 93).

Analysis of evidence.

Analysing the evidence taken before the Committee, the witnesses speak to—

- (a) i. the joint residence of husband and wife generally,
- ii. also that such joint residence is becoming more and more general;
 - i. 255 witnesses speak to this,
 - ii. 22 do do do

against 97 who say that it is not general. 24 give no definite answer.

- (b) There being a growing sense of the family tie as between the father and children ;
- 315 witnesses affirm and 38 deny, while 43 do not answer and 12 give no definite answer.

(c) Children performing the funeral obsequies of their father if he is not of a caste superior to them ;

- 186 witnesses say that they perform when the father is a Nair ;
- 135 answer in the affirmative ;
- 59 give no answer, while 53 say 'no.' Thus there are 321 witnesses who answer in the affirmative.

(d) Fathers are more and more interesting themselves in the nurture and education of their children ;

- 339 speak in the affirmative ;
- 20 say 'no'.

- 17 give no definite answer ;
- 55 give no answer at all.

(e) The growing sense of duty on the part of the husband of making some provision for his wife and children, such being a proportionate share of the separate acquisition of the father.

- (f) The necessity of such share being given as inheritance on the father's death;
- 384 against 19.

(g) The advisability of the wife and children sharing in the tarawad properties left by the last survivor along with his other blood relations.

On the death of the husband,

- (1) 245 witnesses for wife and children,
- (2) 100 to them equally with blood relations,
- (3) 4 would limit wife to a life interest only.

- (2) On the death of the wife,
 (1) whole to husband, 79 witnesses,
 2) whole to blood relations, 19 do.
 (3) to be divided between husband and blood relations, 85 witnesses;
 (4) Husband to have a life interest only, 102 witnesses.

(h) And the advisability of the wife and children of the managing karanavan of the tarawad being allowed a share in accessions made by him to the joint property without any detrimental to the tarawad;

206 witnesses would give a share, and
 181 would not.

Of the witnesses questioned with regard to the succession to the self-acquired property of the high caste father by his Nair wife and children, 235 (statement No. XVI) are in favour of such succession and 8 only against. V. W. Nos. 115, 119, 155, 161, 230, 250, 352, 353 and I. W. LXI and LXII are Nambudiries. Of these six are for allowing such inheritance. No. 155 is against it, while No. 119 is for abolition of Nambudiries—Nair marriages altogether.

I. W. No. LXI is not definite, and I. W. No. LXII would give the wife and children a third of the husband's or father's self-acquisitions, but could not relish the idea of prescribing this by law.

Numbers 110, 227, 256, 266 are East Coast Brahmans. Of these, only one No. 227 is against the concession of such inheritance. I. W. No. XXV is in favour of such inheritance.

V. W. No. 107 and I. W. Nos. 4, 12, 14, 15, 16, and 47 and I. W. 92 and 93 are Kshatriyas. Of these V. W. No. 107 is for the concession of such inheritance. Of the interrogatory witness Nos. 12, 16 and 47 are for it. No. 4 is against any legislation whatever regarding marriage and inheritance. In his answer, however, to question 22 (b) (1) I. W. 4 says "that in all cases the children should be provided for". And as for the wife he says, "yes, if the husband had the intention to do so, and died without fulfilling it provided the wife remaining chaste during coverture". But No. 14 thinks that "no hard and fast rule is necessary since there is a growing sense of duty on the part of the husband of making some provision for his wife and children". It will be observed that this witness fails to consider the case of husbands who do not realise their sense of duty, or who, on account of some accident or other, fail to do their duty by their wives and children. No. 15 says that "the law cannot enforce it, but the husband should give of his own accord by the execution of a will or similar deed". Thus, there is none among the Kshatriya witnesses, except perhaps XCII and XCIII, who is absolutely against granting the right of inheritance to the wife and children.

It may therefore be well, while making the provisions of the Regulation as to inheritance and succession to the higher castes, to give the higher caste men who have already formed alliances with Nair females an opportunity to make a declaration that they are not willing to be bound by the provisions regarding inheritance in the Regulation, after giving notice to their spouses, especially in view of the circumstance that the Regulation is being given retrospective effect. Vide proviso to section 55 of the Committee's Bill as amended by me.

It may be well to notice the evidence of witness No. XCII somewhat in detail:—

Inheritance. Interrogatory witness No. XCII is decidedly against allowing the wife and children to inherit any portion of the husband's or father's self-acquisitions. He thinks that the possession of testamentary power will obviate all existing difficulties. That there are difficulties existing is thus admitted; that the possession of testamentary power which the Nairs in Cochin had always possessed has not obviated the difficulties is evident from the circumstance that the difficulties do still exist. The Prince admits that the circumstances conducing towards the grant of this right of inheritance exist. He says that "the joint residence of husband and wife is no fairly common", that "there is a growing sense of family tie as between the father and his children", but denies that the children perform the funeral obsequies of their father, though 321 witnesses affirm it. He admits that "fathers do more and more interest themselves in the nurture and education of their children"; but when he comes to the question, "is there a growing sense of duty on the part of the husband of making some provision for his wife and children?" his answer is evasive. He avoids the question, and observes that "the husband generally takes care to provide for the comforts (not for the maintenance which is already provided by the tarawad) of his wife

and children". That the question is not directed towards maintenance or the providing of comforts must have been clear to the witness from the latter part of it taken along with clauses b (1) and (2). To clause b (1) the witness's answer is, "I do not think it necessary, no right of inheritance need be granted." The witness forgets that the father is responsible for the child's existence in this world, and that he should therefore be held responsible for its present maintenance as also for some provision for the future, specially when the child happens to be a minor. The right of the wife to be maintained by the husband is also evident.¹

The Prince adopts with approval the fallacious position taken up by Rao Sahib K. P. Govinda Menon that the present system does not leave a man's wife and children uncared for and destitute at his death. The witness quotes the Rao Sahib's observations that "as a matter of fact, every wife and every child belong to some tarawad which is bound to maintain them *according to its means* (Italics mine); and it is impossible for any spendthrift or drunkard of a husband or father to drive his wife and children, out-of-doors to starve in the streets, because they have always the sheet-anchor of a tarawad to fall back upon. This is the beauty of the tarawad system. A State whose subjects are thus insured against starvation deserves to be congratulated". It is but the statement of a mere truism to say that all born in this world are of some family. But whether that family has the means of maintaining him or her is not covered by that statement. Let us not be carried away by the incantation of words.

The prince, quoting the above passage, exultingly exclaims, "It is precisely this tarawad system that some of the educated iconoclasts in Cochin want to demolish". The first part of the quotation itself shows the absurdity of the position taken up that the wife and children will not be left uncared for and destitute at the death of husband or father, *for the tarawad is not bound to maintain them unless there is tarawad means. There is no personal responsibility on the karanavan.* He is not bound to work and find means for the maintenance of the anandaravans. It is not so with the father, where the law enjoins him to maintain his wife and children². The right of the Nair minor children to be maintained by the father personally and from his self-acquired property has been upheld by the Travancore High Court even in the case of a Nambudiri, not as a right arising out of a legally recognised marriage,³ but as one arising from the fact that he is the person responsible for their existence. This decision was passed before the coming into force of the Nair Regulation. That is the difference between the karanavan and the father. When there are no means, "the sheet-anchor of a tarawad" to fall back upon will be of no avail, and the "beauty of the tarawad system" will be altogether lost. The so-called insurance against starvation will be a delusion and a snare. When there is no means in the tarawad to maintain its members, the "sheet-anchor" loses its weight, and the ship cast on unknown troubled waters is left to drift for itself. The "educated iconoclasts in Cochin" do not wish to demolish the tarawad. They simply seek the recognition by law of the duty of the father to maintain the child for whose existence he is chiefly responsible. But Kant, Mill and Sedgwick hold that it is the father or the husband who is primarily responsible for the maintenance of the wife and children⁴.

The falsity of the Rao Sahib's assertion that it is impossible for the wife and children to be driven out-of-doors to starve in the street will be found demonstrated in the observations of Raja Manavedan Raja (I. W. XXV), on Mr. Rama Menon's Bill. The Raja says, "In the present state of things the children have no guardian-none to guard their interest. The legal guardian is the uncle who is not, however, the natural guardian in the sense that his natural inclination is to protect the interests of his own children even to the detriment of those of his nephews. On the other hand, the father who really is the natural guardian is not legally bound to protect his children's interests. The consequences are disastrous. *Cases of young men of wealthy old families wandering about utterly neglected are numerous*".⁵ (Italics mine).

So the argument as to the destitution of the wife and children has not a false but a true ring about it. Indeed, it is the best calculated to appeal to the imagination of all right-minded men whether conversant with the intricacies of the matriarchal system or not. The argument is based on truth, the whole truth, and nothing but the truth.

1. Mill's Principles of Political Economy, Vol. II, page 276, 9th Edition. Kant's Philosophy of Law cited supra.

Sedgwick's Elements of Politics, pages 56, 57. 2nd Edition.

2. See Mayne's Hindu Law, page 587.

3. 20 T. L. R., page 65.

4. Mill's Principles of Political, Economy, 9th Edition, Vol. I, page 276.

5. G. O. No. 304, page 191.

Consequences of the denial of such rights.

Where the rights incidental to marriage are not conceded, the tendency will be to an extreme laxity in the matter of matrimonial relation. Mr. (now Lord) Bryce observes that at one period in Rome the matrimonial relation was found decaying, and says that "it was doubtless facilitated by three peculiarities of the law, namely the absence of all prescribed forms of marriage and divorce which set caprice free from legal restraints or delays, the extinction of any necessary connection as regards property between the two spouses, and the fact that the legal family did not coincide with the natural family, for, legally the wife remained in her father's family and did not enter her husband's." All these three peculiarities are now extant in Malabar. Hence also the laxity of the matrimonial relation. In Malabar the wife lives in her uncle's family instead of the father's family as the Malabar system is matriarchal. In Rome no doubt there were other causes, social and moral rather than legal, which conduced to the decadence of the matrimonial relation. In Malabar all the three, social, moral, and legal causes have worked to bring about extreme laxity.

We are now attempting to find means to meet the first two peculiarities, namely, the absence of all prescribed forms of marriage and divorce which set caprice free from legal restraints or delays, and the extinction of any necessary connection as regards property between the two spouses. As for the third peculiarity that the legal family did not coincide with the natural family, it is not possible to find a remedy unless you abrogate the marumakkathayam system altogether and convert the materlineal into the paternal family.

It will be evident from the above extract that the conceding of incidental rights of marriage will be productive of maintaining the purity of the matrimonial relation.

It may be remarked here that those witnesses who were not examined before the Committee in person were not asked as to the propriety of inheriting the high caste husband's self-acquisition.

I. W. Nos. 1, 2, 7, 8, 35, 36, 38, 39, 40, 41, 42, 43, 44 are lady witnesses, all of whom are Nairs. Of these 13, (Nos. 26 and 39 are joint answers of 2 each) are for the concession, while No. 41 thinks that there is a growing sense of duty on the part of the husband for making some provision for his wife and children and that there is in him a desire to make some provision but that it is likely to engender litigation if any law is made to that effect to operate after his death. No. 43 has no doubt whatever that the wife and children have a right to share in the husband's or father's property. According to this witness the husband is even now bearing his responsibilities. The complaint now, says she, is that "the new generation with their new-fangled ideas of reform totally neglect the interests of the tarawad and look to the comfort of their wives and children only. Even if some of those who are capable of making provision for their wives and children neglect to do so, any Regulation, which would affect the community generally, passed to make the negligent do their duty, is likely to create a world of mischief to the community". It will be observed that, while witness No. 42 quietly gives the go-bye to the question regarding the necessity of legalising sambandhams, witness No. 43 answers the question with a direct dogmatic negative.

Again, of the above witnesses Nos. 35, 38, 39 and 44 are for giving the right of inheritance to the self-acquired properties of the high caste husbands also. Nos. 2, 36 and 40 do not refer to the subject, and No. 1 thinks that as the Nair Regulation cannot affect the higher castes the concession is likely to create confusion. V. W. Nos. 40, 111, 228 and I. W. No. 17 are Ambalavasis. I. W. Nos. 24, 28 and 50 are Samanthas. All of them are for the grant of the concession.

In adjusting the proportion of the self-acquired or separate property of the husband or father that should go to the wife and children, the witnesses seem to be at considerable variance. The difference ranges from no portion whatever to the whole. Some would divide the property between the members of the tarawad and the wife and children *per capita*. Others would give them only maintenance from the proceeds of the self-acquisition.

Of the witnesses examined, 10 would give the whole to the wife and children; 21 above half; 56 below half; 275 half; 14 would divide equally between wife and children and members of the tarawad *per capita*, while 15 would not give anything at all. It will be observed that in all 400 witnesses are for allowing the right of inheritance (statement No. 15).

The objection to the whole being given away is that the tarawad or thavazhi will be deprived of the means of performing his funeral oblations, annual *sradhas*, etc., which his nephews are bound to do under the Sastras. The only Sastra referred to by any of the

witnesses is a couplet quoted from the Shanthi Parvam of the Mahabharatha by V. W. No. 246, viz:—

“ശുഭ്രം പിണ്ഡകന്താഃ ഹിതൈനമല്ലോ
ശുഭ്രം ഗതിവന്തീഃ ഹിതൈനമല്ലോ”.

As already observed, the quotation is a spurious one, not finding its place in the original Sanskrit text. It is the product of forgery and interpolation, or it may be that Tunchan introduced the lines into his summarised translation of the great epic finding that the custom in Malabar at the time was for the nephews to offer funeral oblations to their maternal uncles and to perform their annual Sradhas.

The objection on the score of religion may be answered by a quotation from the paper of the retired Sub-Judge Mr. K. R. Krishna Menon, a high authority on the customs of Malabar. “In this part of the country the capacity to confer religious benefits is not the ground for regulating succession. Even if this capacity be considered as the paramount reason for regulating succession, the son should stand foremost among the persons who can present funeral cakes with any spiritual efficacy. Nairs are essentially Hindus in religion, and Hindu Sastras must be their authority for seeking spiritual benefits by performance of *post obit* ceremonies. Whomsoever the Hindu Sastras name to be the fittest person for the performance of such ceremonies for other Hindus, he must equally be the fittest person for Nairs also. That this person is the son, no Hindu can deny; and in fact he now performs such ceremonies and gets nothing from his father in return. It is true that there are some texts in Manu, Yajnyavalkya, and others, to the effect that a Sudra, who does not know his father, may present oblations to his maternal uncle. If these texts are of any authority, they must be equally binding upon Sudras all over India. They are found among the texts which recognise twelve sorts of sons, and recommend a Brahman to make over his wedded wife to another to beget a son (Kshetraja).

They are now obsolete, and binding upon none. The Kerala Mahatmyam which is set up as a special authority for Malabar, also treats the father as the highest object of reverence and recommends the performance of the uncle's funeral ceremonies as one would do for his own father, “Mathulananja samskaram pitrunuddhisya jathayas”, and the promiscuous intercourse recommended in the previous chapter and the consequential inability of one to know his own father is the sole ground assigned for the rule. It will thus be seen that there is no force in the argument which some set up that the key of spiritual salvation amongst the Sudras is with the nephew and that the legislature cannot order the transfer of inheritance from the nephew to the son without transferring such key also to the former. In fact, the key was never with the nephew if the Hindu religious works are to be believed. The 61st and 62nd rules of Anacharam are not pretended to enact any new law. They are a mere codification of what had been already enacted by Parasurama, because marumakkathayam had existed before Sankarachariar promulgated these rules of Anacharam, and the Kerala Mahatmyam is thus the sole basis of the law, and we have seen that there is not much in it in support of the argument. Under the marriage system now proposed to be introduced, a Nair would, as any other Hindu, be certain of his father, and therefore there is no harm in changing the line of succession from the nephew to the son, as the sole reason given for the existing system will then disappear.

If the nephew still considers that he is under a moral obligation to perform his uncle's funeral rites and does perform them, he will only be doing what the son has hitherto been doing without any remuneration.

It may also be pointed out that, under the Aliasanthana Law which is the marumakkathayam law of Canara, the Madras High Court has held that “the right of succession is in no way dependent on capacity to offer funeral oblations¹.” Even in other parts of India, perhaps with the exception of Bengal, the right to perform the funeral ceremony does not evolve a mutuality of right of succession². The claims of rival heirs are determined not by the doctrine of religious efficacy but by degrees of propinquity³.

The Malabar Marriage Commission supports the view that the whole of the self-acquisitions should go to the wife and children of the deceased husband, and gives the following reasons:—

“We appeal to the following reasons in support of our view that the whole of the self-acquisitions should go to the survivor and children:—

(1) If marriage is to be legalised, the obligation of the husband to provide for his wife and children should be recognised as paramount, and the law should be in consonance with reason and natural justice.

1. I. L. R. 14 Madras, page 299, per Muthuswamy Iyer and Best J. J.

2. J. L. R. 8 Madras 125.

3. Mayne's Hindu Law, pages 7, 8 and 669—6th Ed.

(2) In most cases the self-acquired property will be but a pittance for the wife and children, of which no part should be taken from them.

(3) The property will generally be in a shape which renders partition difficult and the proposed co-shares being opposed in interest, would always be driven to a ruinous division.

(4) In those numerous cases where the husband lives apart from the tarawad in a house of his own, and where in fact the family is composed of the father, mother and their children, it is unjust to constitute an outsider to the family circle as a co-heir, and thus to disturb the wife and children in the possession of the home and property which they have been enjoying in the life-time of the deceased.

(5) The power of devise by will will give every man the power to dispose of his property according to what he knows to be the necessities of his individual family, and there need therefore be no change in the Law of Succession unless he so chooses".

In view of the circumstance that we are not going to abrogate the marumakkathayam system altogether but are only grafting makkathayam on marumakkathayam usage we should not deprive the nephews or legal heirs of their right to succeed to a moiety of the self-acquisition of their uncles. It will therefore be only just to fix the proportion of one-half if we recognise that the issues of one's own loins have at least equal claims with that of one's mother or of her maternal relations. (See Critic No. XVI).

With regard to the other moiety of one's self-acquisitions, left undisposed of, we have only to follow the recent decision of the Chief Court which held that one's self acquisitions, left undisposed of at the time of death, devolved on one's thavazhi, and not lapse to the tarawad as hitherto. I have discussed this point in my Travancore Memo, paras 96 to 103, and referred to the course of decisions both in Travancore and British Malabar as also the custom regulating devolution in all the three countries. In para 100, I have observed that in Cochin the custom has been all along the same, i. e., such property devolved on one's own thavazhi in preference to the tarawad though the court made law shut its eyes against it. The practice obtaining in the Cochin ruling family is a prominent instance of self-acquisitions devolving on the thavazhi in preference to the tarawad. Since then, the Chief Court by its decision reported in the Cochin Law Reports, Volumes I page 187, and IV page 131, has brought the law of the courts into conformity with the custom of the country. That being the law now, and as the new Regulation gives one's wife and children a half share in one's self acquisition, the Regulation may provide that the remaining half shall go to his or her own thavazhi and in the absence of members in such thavazhi on the next higher thavazhi, the nearer excluding the more remote.

The sections of the Committee's Draft Bill on Inheritance and Intestate Succession (sections 15 to 20 excepting section 18) may be substituted in place of sections 24 to 28 of the memorialists' Draft.

Section 25 of the memorialists' Draft corresponds to section 18 of the Committee's Draft. It will be observed that the Committee's Draft differs in principle from the memorialists' and a word of explanation may be necessary to justify this. Whereas section 25 of the memorialists' Draft which only reproduces Travancore section 16 leaves the self-acquisition of the deceased father and husband on his death in the possession of the marumakkathayam heirs, our section leaves it in the hands of his widow and children till partition is effected.

It is common knowledge that the deceased's wife and children are turned out of the house, bag and baggage, where they had been living with the husband and father even if the house were his own, either when the dying person is in *extremis* or as soon as he breathes his last, with the result that just at the moment they are in distress they are driven out to take care of themselves with the burden of their irreparable loss. We have remarkable instances of this even among the highly educated, because the inhuman practice of the country requires that the bereaved widow should be sent out of the house before the dead body is cremated.

On the death of a member of the marumakkathayam family, quarrels arise as to the possession of his self-acquisition, and, more often than not, the dead body remains uncremated for hours together till the quarrels are adjusted by the intervention of third parties. Now that the wife and children are also given rights over the self-acquisitions of the husband or father, quarrels between the nephews and the wife and children are more likely to be on the increase. It is indeed significant that interrogatory witness No. XXXVI and another lady, a graduate, who agrees with her requests that there should be special provision in the Regulation that if the tarawad does not cremate the corpse of the deceased within 12 hours of his death, the wife and children must have the right to do so. They add that the absence of such a provision causes considerable pain and difficulty in the families and numerous instances of these are to be found in many localities.

It may be that the wife was assisting her husband in the management of his self-acquired properties, it may be that she knows more of such properties and their exact circumstances than the legal heirs who, ready to pounce upon them, will only be waiting to see the last breath of the deceased leaves this mortal coil to harass the bereaved widow to produce the title deeds and the accounts of the properties, etc. The feelings between the nephews and the uncle's wife and children are always strained. I may quote here the observations of Mr. Othena Menon on the Malabar Marriage Bill in his answer to the criticism of Mr. C. Karunakara Menon, editor of the "Indian Patriot". Says Mr. Othena Menon, "However good-tempered a woman (referring to the wife of the karanavan) may be, in the present condition of things in Malabar, she is the object of hatred from the day she enters the threshold of her consort, unless she becomes the abject slave of the females of the house. I remind Mr. Karunakara Menon of the refrain of an old nursery song in Malabar.

അമ്മായി അമ്മയെ കല്ലിനെൽ വച്ചിട്ട
മരൊരാ കൽ കൊണ്ടു നാരായണാ-
അമ്മായി അമ്മയെ ചക്കിലാട്ടിട്ട
ചോരാ തെളിയോളം നാരായണാ-

That is to say,

On a stone place your karanavan's wife and
With another stone—Narayana ;
In a mill put your karanavan's wife and
Till blood comes pure—Narayana.

Such is the harmony and good-will between the aunt and the nephews.

Under the circumstances, I would even suggest that the house in which the couple were living together, if the self-acquisition of the husband, should go to the wife and children. They had been spending the best part of their life there, partaking of the pleasures and sorrows of each other, and it would certainly be cruel to deprive the wife and children of their abode as also of the articles of furniture they were hitherto been using.

It is natural, under the present condition, that the marumakkathayam heirs and their adherents will be powerful in the locality, the wife having, in many instances, come from a distance. In any contest, whether for immediate possession or for partition, the wife and children would be heavily handicapped, and I would, therefore, leave the immediate possession of the entire self-acquisition in the hands of the wife and children till partition is effected. These observations would apply equally to properties left by a will which does not appoint an executor, or the executor appointed does not accept the office. In view of these observations it will be evident why we have altered the principle of the memorialists' Draft section 25.

Section 18 of the Committee's Draft makes a difference as to possession of the self-acquired and separate property of Nair and non-Nair husbands of Nair females. Whereas the self-acquired and separate property of Nair husbands are on their death left with the widow and children till division is effected between them and the marumakkathayam heirs of the deceased, the self-acquired and separate properties of the non-Nair husbands are to be in the possession of their natural heirs till division is effected. To this I beg respectfully to demur. It is wrong in principle to make such distinctions. I am aware that difficulties may arise with regard to Nambudiries and other Brahmans who marry Nair females but do not set up separate living, but I think there ought to be no exemption from the general rule or any special privilege given to one caste or class over the other. Even among Nairs there may be those who on marriage do not set up separate living such as the Sthanies, etc., and this is no reason why these should have a different rule of law from the rest of his class or caste. Either such Brahmans should desist from marrying Nair females under the new Regulation, or if they do marry, they should abide by its provisions which I think ought to be common to all. I would therefore replace section 18 by the following, viz :—

"The self-acquired and separate property left undisposed of by the husband at his death, leaving him surviving a Nair widow or children or both, as also undivided heirs under the law by which he is governed, shall be in the possession of the widow, or in her absence, of the senior major male, or, in the absence of any such, of the senior major female member among such widow or children, and in the absence of any such, of the legal guardian of the minor children until a division is effected".

I think that the proper place for section 29 of the memorialists' Draft is in the chapter relating to Partition, and it has been so placed in the Committee's Draft as section 43.

The subject of Inheritance and Intestate Succession is discussed by me in paras 88 to 104 of my Travancore Memo.

Testamentary Succession.

The power of making wills was at one time thought to be inherent in the followers of the marumakkathayam system under the customary law of the country. See the Fifth Report of the Select Committee of the House of Commons on the affairs of the East India Company 1812, page 138.

So far back as 1843, Mr. Strange, who in his later days was strongly opposed to the recognition of even Hindu Wills as valid, held that a member of a Malabar tarawad who had acquired property was at liberty to dispose of his self-acquisition by Will. The Provincial Court objected to Mr. Strange's decision and referred the matter to the Sardar Court. But the Sardar Court upheld Mr. Strange's view remarking that his judgment was one "*passed on clear and undisputable principles of equity*". In the year 1878, however, Innes and Muthuswamy Iyer, J. J., held that a testamentary disposition by a junior member of his self-acquisition "was not binding upon the tarawad of the testator", though, later on, the same Judges held that "in a family governed by Marumakkathayam Law the self-acquired property of an individual member, though it became tarawad property at his death, still remained liable for the debts of the deceased acquirer in the hands of the members of the tarawad". The Madras High Court has also upheld a testamentary disposition as against Attaladakkam heirs². The same court at one time left the question, whether a will could be upheld when there were heirs in the tarawad, open³; and, finally, when the Malabar Wills Act was being discussed in the Legislative Council, the High Court upheld the will of a junior member by which he disposed of his self-acquired property remarking that "the Bill now before the Legislative Council recognises the right as one that exists". The High Court has also held that separate property may also be validly disposed of by will⁵.

We in Cochin were never in a worse position than our brethren of British Malabar, and instances are not few of persons following the marumakkathayam law who have purported to dispose of their self-acquisitions by testamentary instruments. Our Registry Offices are likely to disclose a few, though, as a rule, the people are averse, for obvious reasons, to the registration of their testaments. Statement No. XXI shows the progressive rise in the registration of wills within the last 10 years. From 49 in 1083 it has risen to 89 in 1093. A most prominent case of a recent recognition of a will is that of a late First Prince of Cochin who, on leaving Cochin on pilgrimage to Benares, left with the Diwan a sealed packet enclosing his last will and testament whereby he disposed of all his self-acquisitions. The Prince unfortunately died at Gaya and his will was accepted and given effect to by the Darbar. Under the will large bequests were made to charities to be managed by the Sirkar, and these charities are still being worked under Sirkar supervision. Numerous cases have come before the courts where rights to properties have been set up under wills, and it is remarkable that the courts in Cochin have never expressed any doubt whatever as to the want of power in any class of the subjects of the State to make a testamentary disposition of their self-acquired or separate property.

Section 30 of the memorialists' Draft Bill, therefore, only gives legislative sanction to an already existing right. The corresponding section of the Committee's Draft Bill section 21 authorises the appointment of an executor to administer the will, and the following two sections provide for the immediate possession of the property by the executor and, where no executor is appointed, by the widow and children. In doing so I think it would be better to have a separate Wills Regulation on the lines of the Malabar Wills Act V of 1898. The provisions of this part of the Draft Bill as they now stand are altogether incomplete. If section 30 is to be retained, I would propose that the provisions attached to it may be dropped, leaving the manner of execution, proof, etc. to the general law.

The tarawad and its management.

The rights, duties and powers of karanavans and anandaravans.

Constitution of a marumakkathayam tarawad.

Before we proceed to consider this part of the subject, it will be well to have some idea of the constitution of a marumakkathayam joint family. It is known as a tarawad and consists of a group of persons, male and female, all tracing descent from a common ancestress, living under the control and management of the eldest male, who is called the karanavan. In its simplest form, a family would consist of a mother and her children living together with their maternal uncle, that is, the mother's brother as karanavan. In its complex form, it would consist of a mother, her children, both sons and daughters, the children of such daughters and their descendants in the female line, however distant, all living together under the control of their common karanavans who would be the one senior in age of all the males in the family. A Malabar tarawad is perhaps the best type of a matriarchal family. There it is the mother that forms the stock of descent, and kinship as well as rights

1. Proceedings of the Sardar Court of the 25th September 1842.
2. I. L. R. 12 Madras 126.
3. S. A. No. 395, 1887: See I. L. R. 14 Madras 497.
4. I. L. R. 22 Madras 9.
5. I. L. R. 21 Madras 105.

to property are traced through females and not through males. Each of the mothers and her children and descendants in the female line form a *Tai + vazhi = Tavazhi* (from *Tai*—mother and *vazhi*—line), meaning a mother's line.

In order to know who are members of a matriarchal family, we cannot do better than understand the legal maxim *Mulier est finis familiarum* by substituting *homo* for *mulier*. A male name closes the family, and none of the descendants of a male are included in the matriarchal relationship. In such a family there is no *matria potestas* as *patria potestas* in an agnatic family, for it is the eldest cognate male ascendant who is the actual ruler of the family. The tarawad property is owned by all its members jointly. No one can predicate to himself or herself, that any portion of it, belongs to him or her, nor can any one claim separate possession or enjoyment of any portion. The groundwork of the system is that the tarawad estate is held in the nature of a trust for the support of the females and their descendants in the female line. The property is impartible and the family indissoluble, unless it be with the consent of all its members. According to Mr. Justice Holloway, "the first conception of a family (in Malabar) is of an indissoluble unit, a mere aggregate with no separate rights, living under one head, united more specially by their connection with the same *sacra*". In a marumakkathayam family, as originally conceived, it is evident there was no room for the recognition of the relationship of husband and wife and of father and child. The wives and children necessarily belong to a different family and no rights and duties are attached to marital union. Such relationship with the rights and duties attached to it are now being grafted on the marumakkathayam family.

The even and humdrum existence of such a family, in its original condition, in its so-called ideal state, continued till it was rudely shaken by the appearance of the foreigner on the scene. Ever since this happened the pristine purity of the early system has undergone considerable change, and one need not stop to trace the development of its present position through its various stages, for it is now altogether profitless. For all practical purposes, it is enough to realise its present condition, and to mend it in such a way as to suit the necessities of the times. To end it the time has yet to come.

Mr. K. P. Raman Menon describes the present Malabar tarawad as "the hon- Description of the present Malabar tarawad
descript conglomeration of irreconcilables who have nothing of blood relation in common between them but form only one of those monuments of barbaric usage surviving through the instrumentality of British courts of justice, even under the full time and ripe civilisation of the latter part of the 19th century¹". However exaggerated this description may be, it has to be admitted that there is room for considerable improvement and change in its management at the present day. So far as I can understand, the legitimate scope of the Committee is to accept the present marumakkathayam system as "a settled fact", at least for the time being, and to report on the desirability of making such changes as may be found necessary for its proper working, in order, to use the language of Sir Alexander Cockburn, Chief Justice, in *Wason v. Walter*, "to adapt it to the varying conditions of society and to the requirements and habits of the age in which we live, so as to avoid the inconsistencies and injustices which arise when the law is no longer in harmony with the wants and usages and the interests of the generation to which it is applied". The actual merits or demerits of the marumakkathayam system are, I conceive, beyond the scope of the Committee's enquiry. It may be that the system cannot be supported on economic grounds, and there is considerable truth in Sir T. Muthuswamy Iyer's observation that "there is much to be said against it if it is to be judged on those grounds, and with reference to the requirements of an enlightened modern society". "An archaic system of management", says Sir T. Muthuswamy Iyer, "founded on the notion that the maternal uncle will adequately protect the interests of his nephews and nieces, even when they are several degrees removed from him, and that he will not yield to the temptation of neglecting them for those of his own children, is no doubt contrary to human nature and cannot but be open to several serious objections²".

I have in my Travancore Memo, paras 106 to 133, endeavoured to discuss somewhat in detail the position of the karanavan and anandaravan in the tarawad, their rights and duties therein, the karanavan's powers of management, his powers of alienation of tarawad properties, rights of junior members to maintenance from the tarawad, their rights to question the acts of the karanavan and seek his removal by suit for mismanagement, etc. In paras 134 to 144 the changes proposed as remedial measures then are also set forth in detail, and I would request that reference be made to those paras in connection with this part of the subject. Rights and duties of karanavans and anandaravans and their position in the tarawad.

1. Appendix III, Malabar Marriage Commission Report.

2. Para 24 of Memo, Malabar Marriage Commission Report. See also observations of Dr. Ormby in his outlines of marumakkathayam law, Introduction, page XV.

I shall now take up the sections in Part VIII of the Draft Bill *seriatim* and say a few words on them.

Rights, duties, and powers of the karanavan.

Section 31 refers to the right of the karanavan to manage the tarawad and its affairs. I would amend the section so as to make express mention of the rights of the members of the tarawad, whether karanavan or anandaravan, over tarawad properties and their position in the tarawad so that there may not be any occasion for doubt in the future. See section 24 of the Committee's Draft Bill. As to the position of the karanavan, his powers and duties, see Travancore Memo, paras 107 to 110. Malabar Marriage Commission Report, para 52. As to the effects of the karanavan's rule, see para 53, *ibid.* See also paras 75 and 76 of the Travancore Committee's Report.

Section 32 of the memorialists' Draft deals with the karanavan's powers of delegation. We find karanavans generally handing over their charge to an anandaravan who is of his own thavazhi or who happens to be his son-in-law, and in his hands the remaining members suffer. It is therefore necessary to guard against such contingencies. I would therefore amend section 32 of the Draft Bill in terms of section 25 of the Committee's Draft Bill and take away the karanavan's power of delegation altogether. This will neutralise the evil of the ruling in 39 Madras 918. See para 110 of the Travancore Memo.

Section 33 directs the karanavan to keep accounts of management. Under ordinary circumstances the anandaravans can call on the karanavan for accounts only as an incident in a suit for the removal of the karanavan from his office. Being the absolute manager of the tarawad, he is at present not bound to keep any accounts of its income and expenditure. As the anandaravans have as much proprietary interest in the property managed by the karanavan as the karanavan himself, it is nothing but proper and just that the anandaravans should have a right to call for an account from the karanavan, and it is the duty of the karanavan, who stands in a position of fiduciary relation to them, to render proper accounts. It may perhaps not be possible for karanavans of families not possessed of any property or of only very little property to keep accounts and to render them to the anandaravans. Ordinarily, Nair families are not rich, and statement No. I, showing the number of Nair jema holders in the State, makes it clear that there are but few Nair families that can be considered rich. Out of 13,610 tax-paying Nair tarawads in the State, 12,059 pay tax below Rs. 15 per annum. The general run of Nair tarawads have but a bare competence to live upon, and it will, indeed, be hard on karanavans of such families to be compelled to keep accounts. The principle that every karanavan, whether of a tarawad having a bare competence or of one with an income such as would leave a balance after meeting all expenses, should keep accounts is indeed ideally perfect. But in this work-a-day world I suppose we have to look more to the practical than the absolutely ideal. It will further be altogether inconvenient for the karanavan to bring up his accounts whenever and wherever he is called on to do so by the anandaravans. Such an injunction may act as a clog on the proper course of management of the family affairs and would much impair his position as supreme manager. I would, for these reasons, amend the section in terms of section 26 of the Committee's Draft Bill adding the words, "having an income of 100 paras of paddy or Rs. 50 per annum", between the words 'tarawad' and 'shall' in line 2 of the section. (See Travancore Memo, para 138).

Section 34 of the memorialists' Draft may be dropped, as I think that it is covered by section 33.

I would, for reasons set forth in para 137 of the Travancore Memo, insist on the karanavan maintaining a correct inventory of tarawad properties, moveable and immoveable, if any. My recommendation there was far more stringent than the provision contained in section 27 of the Committee's Draft Bill. Even with this, I shall be content. This provision I deem very necessary for the due preservation of the corpus of the tarawad estate.

The provisions of sections 26 and 27 would go a long way to neutralise the evils arising from the rulings in 2 M. H. C. R. 12; 20 Madras 129; 28 Madras 132; 38 I. C. 513; *Ibid.*, 666; C. L. R. for 1070—1071, page 55.

Section 35 of the memorialists' Draft refers to the emoluments of the karanavan for his services as manager of the tarawad. At present he is at liberty to appropriate to himself anything he wants from the proceeds of the family, and no one can question the propriety of his act, and the general cry is that he is taking undue advantage of this liberty. This section purports to put a limit to his powers of such appropriation. At the same time it is but just that he should be allowed a wide margin as he is supposed to work wholly in the interests of the tarawad as a full-time manager without time, opportunity, or means for acquiring anything for himself. He will therefore not be able to leave any provision for his wife and children.

One would readily accept the principle of the wife and children of the managing karanavan of a tarawad or of any other member in actual management being given something out of the income of the properties the care of which is entrusted to him. The presumption under marumakkathayam law is that all acquisitions made by a karanavan or a junior member in management of tarawad affairs are made out of tarawad funds, and strong evidence is necessary to rebut the presumption. It, therefore, follows that a karanavan or anandaravan in management can ordinarily have no acquisition which he can call his own after he becomes karanavan or assumes management of the tarawad, out of which his wife and children can claim inheritance. And yet his exertions might have been such as to add largely to the tarawad properties, and it is just possible, indeed extremely probable, that in making accessions to tarawad properties he had the active assistance of his wife and children. There are cases of men becoming karanavans from almost their boyhood and who have by their personal exertions considerably increased or improved the original stock of tarawad properties. It would be hard that the wife and children of such men should be cut adrift and cast helpless on the world just at the time when they stood in need of support. These are, indeed, considerations which impel one strongly to accept the principle covered by question 33 of the interrogatories, viz., "when the father is the managing karanavan of his tarawad, if he has made accession to tarawad property during such management, may a share of such accession be given to his wife and children, and if so, what share?" In their answers to this question many witnesses. (206 witnesses are for giving a half share of the accessions, while 181 are against it), while accepting the principle and proposing a half share, appeared to be averse to grant it mainly on the ground that there are difficulties in its application in practice, chiefly with regard to what constitutes accession. Anything added to the original stock, and ascertainable as such, by the personal exertions of the karanavan or manager, unaided in any way by the other members of the family or by tarawad funds, may fairly be deemed to be accession, pure and simple, made by him. But in most cases the accession is in the form of improvement made on the original stock and that with the aid of junior members. Here both capital and labour are contributed at any rate, if not supplied, by the tarawad, and what the karanavan or manager contributes in his turn is direction or supervision. His personal claim in these accessions cannot go beyond this extent, and this is not easily ascertained nor ascertainable. If, again, the income of the tarawad property has increased by the exertions of the karanavan, it is doubtful whether such increase can be classed as an accession, for it is the duty of the person in management to do all what he can to improve the family estate under his management. There is considerable force in the objections raised to the concession of this right by the witnesses, as it is not unlikely that it may lead to disputes of a complicated nature and consequent litigation. At the same time it would be altogether unjust and inequitable to leave the karanavan's wife and children altogether unprovided for. It is no crime in them that they happened to be the wife and children of the karanavan or manager. The best course, I believe, will be to allow the karanavan reasonable emoluments, so that he may be able to leave behind him sufficient funds which may be regarded as self-acquisition as would make provision for his wife and children. Section 35 may therefore be recast in terms of section 28 of the Committee's Draft Bill.

In view of the last words of the previous section, section 36 of the memorialists' Draft may be omitted.

I would so word section 37 of the memorialists' Draft as to make it not to interfere with the karanavan's power of dealing with the tarawad moveables necessary in the usual course of management. I would also provide for contingencies such as the absence of any of the members abroad, or of his being of unsound mind, or so ill as to be unable to join in the transactions mentioned in this section. For this I would add the words "whenever possible" in line 2 after the word 'tarawad'. As amended, the section would run in terms of section 29 of the Committee's Draft.

Sections 38, 39, 40 and 41 may stand with the alterations made by the Committee, and they would be sections 30 to 33 of the Committee's Draft.

So far we have been considering the rights, duties and powers of the karanavan. **Rights.** Let us now proceed to lay down rules defining the rights, duties and powers of the duties and anandaravans. I think it very necessary that the new Regulation should lay down definitely the rights and duties of the junior members of a tarawad. They have indeed at **powers of the anandaravans.** present a fair idea of their rights, but of their duties they are more or less ignorant. If they do realise any, they ignore them altogether, and in the absence of definite rules, karanavans find it difficult to enforce the duties on their juniors.

The rights of a junior member of a tarawad are thus set forth by Mr. Justice Muthuswamy Iyer:—

I shall now take up the sections in Part VIII of the Draft Bill *seriatim* and say a few words on them.

Rights, duties, and powers of the karanavan.

Section 31 refers to the right of the karanavan to manage the tarawad and its affairs. I would amend the section so as to make express mention of the rights of the members of the tarawad, whether karanavan or anandaravan, over tarawad properties and their position in the tarawad so that there may not be any occasion for doubt in the future. See section 24 of the Committee's Draft Bill. As to the position of the karanavan, his powers and duties, see Travancore Memo, paras 107 to 110. Malabar Marriage Commission Report, para 52. As to the effects of the karanavan's rule, see para 53, *ibid.* See also paras 75 and 76 of the Travancore Committee's Report.

Section 32 of the memorialists' Draft deals with the karanavan's powers of delegation. We find karanavans generally handing over their charge to an anandaravan who is of his own thavazhi or who happens to be his son-in-law, and in his hands the remaining members suffer. It is therefore necessary to guard against such contingencies. I would therefore amend section 32 of the Draft Bill in terms of section 25 of the Committee's Draft Bill and take away the karanavan's power of delegation altogether. This will neutralise the evil of the ruling in 39 Madras 918. See para 110 of the Travancore Memo.

Section 33 directs the karanavan to keep accounts of management. Under ordinary circumstances the anandaravans can call on the karanavan for accounts only as an incident in a suit for the removal of the karanavan from his office. Being the absolute manager of the tarawad, he is at present not bound to keep any accounts of its income and expenditure. As the anandaravans have as much proprietary interest in the property managed by the karanavan as the karanavan himself, it is nothing but proper and just that the anandaravans should have a right to call for an account from the karanavan, and it is the duty of the karanavan, who stands in a position of fiduciary relation to them, to render proper accounts. It may perhaps not be possible for karanavans of families not possessed of any property or of only very little property to keep accounts and to render them to the anandaravans. Ordinarily, Nair families are not rich, and statement No. 1, showing the number of Nair jema holders in the State, makes it clear that there are but few Nair families that can be considered rich. Out of 13,610 tax-paying Nair tarawads in the State, 12,059 pay tax below Rs. 15 per annum. The general run of Nair tarawads have but a bare competence to live upon, and it will, indeed, be hard on karanavans of such families to be compelled to keep accounts. The principle that every karanavan, whether of a tarawad having a bare competence or of one with an income such as would leave a balance after meeting all expenses, should keep accounts is indeed ideally perfect. But in this work-a-day world I suppose we have to look more to the practical than the absolutely ideal. It will further be altogether inconvenient for the karanavan to bring up his accounts whenever and wherever he is called on to do so by the anandaravans. Such an injunction may act as a clog on the proper course of management of the family affairs and would much impair his position as supreme manager. I would, for these reasons, amend the section in terms of section 26 of the Committee's Draft Bill adding the words, "having an income of 100 paras of paddy or Rs. 50 per annum", between the words 'tarawad' and 'shall' in line 2 of the section. (See Travancore Memo, para 138).

Section 34 of the memorialists' Draft may be dropped, as I think that it is covered by section 33.

I would, for reasons set forth in para 137 of the Travancore Memo, insist on the karanavan maintaining a correct inventory of tarawad properties, moveable and immovable, if any. My recommendation there was far more stringent than the provision contained in section 27 of the Committee's Draft Bill. Even with this, I shall be content. This provision I deem very necessary for the due preservation of the corpus of the tarawad estate.

The provisions of sections 26 and 27 would go a long way to neutralise the evils arising from the rulings in 2 M. H. C. R. 12; 20 Madras 129; 28 Madras 132; 38 I. C. 513; *Ibid.*, 666; C. L. R. for 1070—1071, page 55.

Section 35 of the memorialists' Draft refers to the emoluments of the karanavan for his services as manager of the tarawad. At present he is at liberty to appropriate to himself anything he wants from the proceeds of the family, and no one can question the propriety of his act, and the general cry is that he is taking undue advantage of this liberty. This section purports to put a limit to his powers of such appropriation. At the same time it is but just that he should be allowed a wide margin as he is supposed to work wholly in the interests of the tarawad as a full-time manager without time, opportunity, or means for acquiring anything for himself. He will therefore not be able to leave any provision for his wife and children.

One would readily accept the principle of the wife and children of the managing karanavan of a tarawad or of any other member in actual management being given something out of the income of the properties the care of which is entrusted to him. The presumption under marumakkathayam law is that all acquisitions made by a karanavan or a junior member in management of tarawad affairs are made out of tarawad funds, and strong evidence is necessary to rebut the presumption. It, therefore, follows that a karanavan or anandaran in management can ordinarily have no acquisition which he can call his own after he becomes karanavan or assumes management of the tarawad, out of which his wife and children can claim inheritance. And yet his exertions might have been such as to add largely to the tarawad properties, and it is just possible, indeed extremely probable, that in making accessions to tarawad properties he had the active assistance of his wife and children. There are cases of men becoming karanavans from almost their boyhood and who have by their personal exertions considerably increased or improved the original stock of tarawad properties. It would be hard that the wife and children of such men should be cut adrift and left helpless on the world just at the time when they stood in need of support. These are, indeed, considerations which impel one strongly to accept the principle covered by question 33 of the interrogatories, viz., "when the father is the managing karanavan of his tarawad, if he has made accession to tarawad property during such management, may a share of such accession be given to his wife and children, and if so, what share?" In their answers to this question many witnesses, (206 witnesses are for giving a half share of the accessions, while 181 are against it), while accepting the principle and proposing a half share, appeared to be averse to grant it mainly on the ground that there are difficulties in its application in practice, chiefly with regard to what constitutes accession. Anything added to the original stock, and ascertainable as such, by the personal exertions of the karanavan or manager, unaided in any way by the other members of the family or by tarawad funds, may fairly be deemed to be accession, pure and simple, made by him. But in most cases the accession is in the form of improvement made on the original stock and that with the aid of junior members. Here both capital and labour are contributed at any rate, if not supplied, by the tarawad, and what the karanavan or manager contributes in his own is direction or supervision. His personal claim in these accessions cannot go beyond this extent, and this is not easily ascertained nor ascertainable. If, again, the income of the tarawad property has increased by the exertions of the karanavan, it is doubtful whether such increase can be classed as an accession, for it is the duty of the person in management to do all what he can to improve the family estate under his management. There is considerable force in the objections raised to the concession of this right by the witnesses, and it is not unlikely that it may lead to disputes of a complicated nature and consequent litigation. At the same time it would be altogether unjust and inequitable to leave the karanavan's wife and children altogether unprovided for. It is no crime in them that they happened to be the wife and children of the karanavan or manager. The best course, I believe, will be to allow the karanavan reasonable emoluments, so that he may be able to leave behind him sufficient funds which may be regarded as self-acquisition as would make provision for his wife and children. Section 35 may therefore be recast in terms of section 34 of the Committee's Draft Bill.

In view of the last words of the previous section, section 36 of the memorialists' draft may be omitted.

I would so word section 37 of the memorialists' Draft as to make it not to interfere with the karanavan's power of dealing with the tarawad moveables necessary in the usual course of management. I would also provide for contingencies such as the absence of any of the members abroad, or of his being of unsound mind, or so ill as to be unable to join in the transactions mentioned in this section. For this I would add the words "whenever possible" in line 2 after the word 'tarawad'. As amended, the section would run in terms of section 29 of the Committee's Draft.

Sections 38, 39, 40 and 41 may stand with the alterations made by the Committee, and they would be sections 30 to 33 of the Committee's Draft.

So far we have been considering the rights, duties and powers of the karanavan. **Rights.** Let us now proceed to lay down rules defining the rights, duties and powers of the junior members and mandaravans. I think it very necessary that the new Regulation should lay down definitely the rights and duties of the junior members of a tarawad. They have indeed at present a fair idea of their rights, but of their duties they are more or less ignorant. If they do realise any, they ignore them altogether, and in the absence of definite rules, karanavans find it difficult to enforce the duties on their juniors. **powers of the anandaranavans.**

The rights of a junior member of a tarawad are thus set forth by Mr. Justice Muthuswamy Iyer:—

" Having regard to the family system that obtains in Malabar, I do not consider the tarawad is a corporate body in the sense that no single member of it has any individual rights to enforce. Each member of a tarawad has a right to be maintained in the tarawad house and this is a personal right. He has also a right, if a male, and not incompetent, to succeed to the management in the order of seniority and this is also a personal right. The tarawad property is not partible at the pleasure of any one member and he cannot maintain a suit to enforce partition because no separate right to demand partition exists. The tarawad property is, however, a common fund for subsistence and each member is entitled to see that the karanavan to whose management it is entrusted does not exceed his lawful authority and waste it, and this is an individual right vesting in every anandaravan by reason of his position as such. If the anandaravan is a female, there is the further right to see that the tarawad property is not wasted by the karanavan, and thereby divested from descent to her children. The conception of a tarawad is that of a joint family under the management ordinarily of the senior male, in which the anandaravans have each a group of individual rights, which they are entitled to enforce individually or collectively either as against the karanavan or against his alienee or both¹".

These rights are mainly as summarised by the Travancore High Court.—

1. The right to be maintained by the karanavan.
2. The right of succession in the order of seniority to the management of the tarawad on the death or retirement of the karanavan.
3. The right to object to any improper administration of the tarawad by the karanavan and the right to see that the property is duly conserved for the use of the tarawad².

Rights of
anandaravans.

The sections setting forth these rights may come in after section 41 of the Draft Bill corresponding to section 33 of the Committee's Draft

(1) "Every member of a tarawad is entitled to maintenance proportionate to the income and status of the tarawad. If any such member lives outside the tarawad house he or she shall still be entitled to such maintenance, provided that such member can show some good ground for so living".

See paras 112 to 115 of the Travancore Memo. See also 36 Madras 203 and 393 Madras Weekly Notes for 1912, page 1233; also Kozhipurath case reported in New India 26th April 1918.

Explanation to section 1:—

"Maintenance means and includes food and raiment, expenses of education and of medical treatment and such expenses of an anandaravan as come under the category of *menchilavu* (മെച്ചിലവു). The section is numbered 34 in the Committee's Draft Bill.

The term *menchilavu* is explained by the Madras High Court in *Kelu Achen v. Lakshmi Nethyar*, Madras Weekly Notes for 1913, pages 379 and 380, where Mr. Justice Sundara Iyer observes:—"The term *menchilavu* is used to designate a part of what is required for the support of a person as distinguished from what is strictly necessary for food and raiment and would differ with the status of the family, and each member is entitled to it according to the usage obtaining in Malabar. Legally it may be taken to mean part of what would be included in the term "maintenance" and "necessaries".

In the same case Mr. Justice Sadasiva Iyer observes:—"With regard to the expression *menchilavu*, the literal meaning seems to be excess expenditure. I take it that it means that which is usually allowed beyond what is strictly required for food and clothing alone. Under the expression, therefore, come, the sums which are required for keeping up a respectable appearance consistent with the position and dignity of the family to which a person belongs, sums required for a reasonable amount of travelling to holy places in the case of a member of an aristocratic family, etc., for slight conveniences and comforts, which though they might be called luxuries, when indulged by a low class individual, would come under the head of "necessaries" in the case of persons belonging to families which cannot be classed with the lower sections of the community".

"Maintenance", says Mr. Justice Abdur Rahim, "is not a mere subsistence allowance, but is to be according to the value of the property and the position of the member and is not confined to what is just sufficient to satisfy the needs of those members" (33 Madras 79; 8. I. C. 563).

1. 1, L. R. 10 Madras at page 830.
2] 18 T. L. R., page 81.

(See paras 114, 115 of the Travancore Memo).

The right of the anandaravans to maintenance from the tarawad being the only means by which they could participate in the joint property, I may be permitted to make a few observations on such right. The positive rights of the anandaravans, as distinguished from the remedial, resolve themselves ultimately into the one right to maintenance. Their remedial rights such as to object to the improper administration of the tarawad property by the karanavan or to insist that it should be duly conserved for the use of the tarawad are at best only illusory. These remedies are again at best distant and dubious and the reliefs uncertain. The right to maintenance is the only mode in which the anandaravan's right of ownership in the tarawad property can be enforced. His right to maintenance is a right to participate in the joint enjoyment of the tarawad property (13 M. L. J. page 499). It had been however held in an early case, A. S. No. 275 of 1858, that "the junior members are not entitled to be supported *out of the family house from the family property.*" This dictum was repeated in 2 Madras High Court Reports, page 12, where their Lordships said that "the members individually are only entitled to maintenance *in the family.*" This was in 1864. In 4 Madras High Court Reports, page 196, where the suit was "obviously not brought to recover the necessary means of support, but to obtain, in the name of maintenance, the separate enjoyment of a portion of the income of the property equivalent to the income of it which the plaintiff has failed to recover by her suit for division", Their Lordships observe that "the recognition of any pecuniary beneficial interest of the members individually in the family property is in its nature incompatible with its joint character", and they thought that "the granting of the prayer will be equivalent to apportioning the share of the corpus of the property on division." Their Lordships do not expressly decide that a member living away from the family is not entitled to *anything* out of the property for his or her maintenance. The dictum of the earlier cases however came to be adhered to in later cases with all the respect due to an express judicial determination of the question; thus we see that the later cases are concerned in finding out apologies for an anandaravan to live outside the family house and still be entitled to maintenance out of the tarawad properties. When the karanavan was the cause of the quarrel which led the junior member leaving the tarawad house (I. L. R. 2 Madras 282), when there were more family houses than one (I. L. R. 4 Madras 169, 12 Madras 300), where there was no room in the family house (S. A. 23 of 1882), where a woman visited her husband occasionally in his own house (9 M. L. J. 153), and where a karanavan had himself left the family house (I. L. R. 11 Madras 307), separate maintenance has been awarded to the junior member who does not live in the tarawad house. In a later case, however, reported in the Madras Weekly Notes for 1912, page 1233, the High Court held that "it would be a very inconvenient rule to lay down that a junior member of a Malabar tarawad may leave the tarawad house and claim separate maintenance simply because he or she does not feel quite comfortable there and it would not conduce to the peace of tarawads to encourage suits for separate maintenance". Where it appeared that a lady belonging to a Malabar tarawad left the tarawad house on a pilgrimage on account of the inducement of her husband and when she refused to sign a family karar, and in consequence, the members of the tarawad made it impossible for her to live in the family house, Their Lordships observed that it is an uncomfortableness brought about by herself and that does not entitle her to separate maintenance; Their Lordships added that "there may no doubt be such discord between the member and the other members of the family as to make it proper that separate maintenance should be awarded, at the same time it would not conduce to the peace of tarawads to encourage suits for separate maintenance on the mere ground that there is no such complete harmony in the house as to ensure the happiness of the claimant. We have no doubt that the court in each case will be able to decide whether the discomfort is so serious as to justify the award of separate maintenance and whether the plaintiff himself or herself was not so greatly responsible for the discomfort complained of as to disentitle him or her to claim separate maintenance".

It is impossible to reconcile oneself with all the reasons in the above extract; to say the least, it is unfortunate that the High Court sets the duty of the wife to the husband against her duty as an anandaravan to the other members of the family. Her duty towards her husband requires her to follow him wherever he goes, and his object in the particular case was to go on a pilgrimage to a holy place, by no means an improper journey. Her following her husband thither can in no sense be considered as a fault disentitling her to maintenance. If she refused to sign the family karar at the advice of her husband, she was simply following counsel proceeding from a proper source presumably to her best interest, and if such advice happened to be not palatable to the other members of the family, surely she is not to blame.

It is indeed her duty as wife to listen to and follow the advice of her husband. It is also her duty to obey the behests of her karanavan. Here there is a clear instance of the conflict of duties, and it is difficult to decide which to follow.

It is however comforting to find that the Judges leave each particular case to be judged on its own merits, and we may take it that they do not in express terms lay down any general principle.

In a recent case (36 Madras 203) the High Court held that a member of a tarawad was entitled to separate maintenance, though living away from the tarawad house, *if he has proper grounds for doing so*. Among proper grounds the following were mentioned :—

- (1) Want of room in the tarawad house
- (2) Family quarrels
- (3) Karanavan's objectionable conduct
- (4) Education not obtainable locally
- (5) Necessity to go elsewhere to earn livelihood.

Their Lordships further held that "if a member lives away from the tarawad house for an improper purpose, that would be a good ground for refusing separate maintenance (page 213; see also page 593).

In this case Their Lordships have discussed the duties and powers of the karanavan and traced the history and development of the law regulating the right of the junior members to maintenance.

It is significant that, though the Judges adhered to the dictum laid down in A. I. No. 275 of 1858, they seem to show an anxious solicitude in the later cases to find out excuses for awarding separate maintenance. If in the words of Their Lordships in I. L. R. 4 Madras 171, "a tarawad does not differ in this respect (of joint ownership) from an ordinary Hindu family the manager of which is not entitled to exclude the members from their right to a participation of some portion of the income of the family property", and "if each member of a tarawad had a right to be maintained and suffered a personal wrong if that right was not accorded to him", (I. L. R. 7 Madras 232), it is difficult to see why any member of a tarawad should be able to allege some good ground for leaving the tarawad house before he can enforce his legal right of joint ownership in the tarawad property. There is no reason or principle underlying any such limitation unless we consider that the *marumalathayam* system requires to be supported to some extent at least. Considerations of prejudice to the tarawad by the award of separate maintenance can only affect the *rate* of maintenance awarded, but not the *right* to maintenance.

Their Lordships have, however, made a decided advance in the case in I. L. R. 3 Madras, which would indeed be very acceptable. They say that "it will be unwise to hold that the decisions up to date have exhausted the list of good grounds which may be urged for awarding separate maintenance. The advancement of social ideals and the requirements of a progressive society make it imperative that larger freedom should be allowed to the individual. Hence the recent decision reported in "New India", 26th April 1912, where it was held, (1) "that a junior member living outside the tarawad house was entitled to get maintenance from the tarawad, if he or she could show some good ground for living outside; (2) that a female member living with her husband was entitled to get separate maintenance; (3) that the right to maintenance was a proprietary right to share in the income of the tarawad property and was not therefore affected by the fact that the husband was well able to maintain the wife; (4) that, as in this case there was no waiver according to the finding of both the lower courts, the plaintiff was entitled to a decree".

No doubt, "what purposes are proper and what improper may be safely left to the decision of the courts", but considerations of propriety can have no place in the enforcement of the legal rights of parties. What is proper and what improper would vary with the circumstances of each case, and if the legal rights of parties are to be determined on such uncertain *criteria*, the result would be, gradually but surely, to introduce equitable or quasi equitable considerations in the determination of legal rights. Thus it had to be held that the private means of an anandaravan is no bar to his getting maintenance from his tarawad. I. L. R. 5 Madras 171. And that the earning capacity of a male member or the richness of the husband of a female member are equally irrelevant in awarding maintenance in the enforcement of the right of joint ownership in the family property (38 Madras 79). It was perhaps for the reasons herein put forth that clause XIX of the Hon'ble Mr. K. P. Raman Menon's Malabar Partition and Succession Bill, 1913, was so worded that a member will be entitled to separate maintenance, *whatever may be his reasons*, good or bad, for living separately, provided he has not renounced his right expressly or by conduct. Mr. Rama Menon observes in his statement of objects and reasons that the clause only seeks to bestow legislative recognition on the principle enunciated in the case reported in 36 Madras, page 203. The Hon'ble Mr. Justice

pencer who was a party to the decision points to the observation of the Judges at page 213 already quoted and says that this (clause XIX) will tend to break up the ideal Malabar home effectively (page 141 of G. O. No. 504). The ideal Malabar home has, however, disappeared long ago. The High Court itself has been long making serious inroads on it; for example, it has impaired the powers of the karanavan in maintaining discipline within the fold. So early as in 4 Madras 171, the High Court held that a misbehaving anandaravan is entitled to maintenance in the house. Their Lordships observed, "It is contended in the second appeal that the plaintiff's misbehaviour does not disentitle him to his right to be maintained from the family funds. We think this contention is sound." The result of this ruling is that a misbehaving anandaravan is entitled to maintenance, at any rate, in the tarawad house. It is too late at this day to raise the cry of the ideal tarawad being broken up. An extension of the principle of the ruling in 36 Madras (ignoring the limitation contained in the case in Madras W. N. for 1912 at 1233) would allow the tarawad and the anandaravan the liberty of removing such anandaravans elsewhere, so that they may not be noxious to other members of the tarawad. The ruling in the Weekly Notes case more than indicates that it is the duty of a female member of the marumakkathayam family to allow the behests of the karanavan in preference to that of the husband, even without reference to the justice of the karanavan's wishes. The High Court seems to have lost sight of the circumstance that it would not be right under any state of things to bring about an estrangement between the husband and wife, whether in a marumakkathayam or makkathayam family.

(2.) The next right that a junior member has in his family is the right of succession to the karanavanship, and provision has to be made for this.

Theoretically, the senior female is the "head and visible centre" of a matriarchal family, and her right to be so regarded is clearly the logical conclusion from the nature of such an institution. But by a "practice obtaining in Malabar, a senior female gets excluded when there is an adult male member (a)". "The senior male member of tarawad" says Dr. Ormsby, "is by right of birth the karanavan or manager (b)". So early as 1813, the Principal Civil Court of the Western Division held that the property of a tarawad is indivisible and that "the management thereof is invariably vested in the senior male (c)". At no time has the right of a female to karanavanship been put forward or recognised when there is an adult male member in the tarawad who is not incapacitated by natural causes, except as a special custom existing in particular family. In 2 Madras, page 328, the Madras High Court observe that "under Malabar Law the eldest male member of the tarawad is the karanavan. In him is vested actually (though in theory in the females) all the property, moveable and immovable, belonging to the tarawad (a)".

Section 35 of the Committee's Draft Bill provides for the succession to karanavanship. It further authorises the principal court of original jurisdiction, within whose limits the tarawad is situate, to appoint a manager where there are no major members in the tarawad on the application of any person interested in the tarawad, after hearing objections, if any.

Section 36 provides for the exercise of the right of the anandaravan to see tarawad property safe. (See paras 116 to 120 of Travancore Memo).

Section 37 makes provision for the removal of an incapable and mismanaging karanavan from his place (See Travancore Memo, paras 121 to 128).

In considering the question of removal of a karanavan from his office as such, it is necessary to realise his position in the family. It is one of natural condition and of course no one can deprive him of this. What is sought for is his removal from office as manager of the tarawad one of the rights attached to his natural condition. As the Madras High Court has observed at 28 Madras, page 190, "karanavans are frequently removed by courts from the management of the tarawad property. Such suits are loosely termed suits to remove karanavans, though a karanavan cannot be deprived, as above stated, of his relationship of karanavan to the other members of his tarawad, but can only be removed from the management of tarawad properties. When the courts remove a karanavan, the decree does not determine the natural relationship that exists between the karanavan and the other members, they still continue karanavan and anandaravan for the performance of funeral ceremonies and the like". It is doubtful if even this limitation is also solely correct. Of course the blood relationship can in no way be cut off by any process, but family ties can be cut off with such effect that one so cut off is practically dead to the family. Where a Hindu is outcasted or renounces Hinduism and becomes a convert to another religion, he no longer continues a karanavan or anandaravan for the performance of funeral ceremonies as the High Court would make it to be. Rather, the family performs his funeral ceremonies as if he is actually dead. After this is done, he, the convert, is an utter stranger to the family. A ceremony is performed known as *Udakavichedam* (ഉദകവിചേദം), or its Malayalam equivalent പടി അടച്ചു പിണയം വയ്ക്കുക, i. e., offer oblations after shutting the gates. This, once for all, cuts the individual from the tarawad both in the spiritual and temporal sense.

(3) It may be necessary here to point out that no junior member can claim, as of right, to have the tarawad property improved or increased by the karanavan. The karanavan alone has got power to do acts reasonably necessary or proper for the benefit of the tarawad, and the anandaravans have no power to require him to do such acts. But if the karanavan enters on a career of waste and his removal is not desired, the anandaravans must be allowed to sue for an injunction to restrain him from the commission of any act which is highly injurious to the interests of the tarawad. On the other hand, they should not be entitled to sue for a mandatory injunction to compel the karanavan to act in a particular way which they or even the court may deem beneficial to the family¹.

It may be well therefore to confer on the anandaravans the following right, namely:

(a) "If the karanavan enters on a career of waste and his removal is not desired, the anandaravans may sue for an injunction to restrain him from the commission of any act which is highly injurious to the tarawad". (See para 120, Travancore Memo).

Duties of
anandaravans.

It is almost an invariable rule that every right has its corresponding duty, and every one who has a right to exercise will have also a duty to perform. But the junior members of a tarawad are now under the idea that they have only rights in the family and are not burdened with any duty to it. The karanavans used to be at one time supreme and ruled with an iron rod. At first the courts were partial to them. Mr. Justice Holloway thought that "it was essential for the avoiding of complete anarchy and consequent ruin to maintain the distinct rule as to the karanavan's power". The Judges were of opinion that "the attempt to weaken the natural authority of the karanavan" should not be encouraged. Supported by judicial decisions such as these, the karanavans embarked on a career of ruin and self-aggrandisement which in time turned the tables against them. The anandaravans revolted and sought every opportunity to paralyze the hands of their karanavan with more or less success. In a thousand and one ways the karanavans came to be fettered in their actions.

The present position is well set forth in 18 T. L. R. at page 247. The learned Chief Justice observes, "The karanavans are generally distrustful of their anandaravans". The latter return the compliment and always keep a vigilant watch on the conduct of the karanavan. "The junior members do not obey the karanavan as before". They are "now-a-days less obedient and more obstructive than formerly". "The karanavan's status is lowered". Again, "the conservative instincts of the people are being broken down in various ways, the karanavan's affection for his sister, sister's children and maternal relatives are generally growing attenuated, that the junior members do not obey him as implicitly as before, that the feelings between the karanavan and his juniors are becoming more and more strained" etc.

Many of the witnesses have told us that the present distracted condition is due more to the contumacious and disobedient conduct of the juniors. They do not do any work for the family. Neither do they contribute anything to augment the common property, though they receive not simply maintenance but also funds for their higher education from the tarawad. They look more to their own interests than to the interests of the tarawad. They are educated by the tarawad, but they fail to educate even their direct nephews.

Where the income of the tarwad is not sufficient for its maintenance, the corpus of the family property has to be indented upon and may soon be exhausted. The law does not now empower the karanavan to call upon the anandaravans to work for the benefit of the tarwad or to contribute towards its expenses even when the anandaravans are in a position to do so. The anandaravans work for their own benefit so that there can be no accession to the joint property except that there may be an off chance of a wealthy anandaravan dying leaving self-acquisitions undisposed of, an altogether unlikely event now that he knows that he is perfectly at liberty to will away all his acquisitions. If the marumakkathayam system is to be maintained to any extent, however shorn of its past glory, the anandaravans must be held to have some duty to the tarawad, and the karanavan's authority over them in that respect should be upheld. Otherwise the position of the karanavan in the tarawad would be anomalous.

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That the anandaravans should have the right of restraining the karanavan from some particular act of gross mismanagement jeopardising the family without resorting to the extreme step of seeking his removal from office is obvious. It will be remembered that, under the rulings of the courts at present, no one single act of mismanagement, however gross, will entitle the junior members to seek the removal of the karanavan. There must be continuous acts of mismanagement of a serious character. (The Travancore Memo, paras 121 etc.)

I would therefore respectfully suggest to the Darbar the advisability of enacting the above sections:—

In section 38, corresponding to the memorialists' Draft section 42, I would add after the word "renunciation", the words "on repayment to the tarawad of any extra pecuniary aid received from the tarawad, over and above what he or she is entitled as maintenance.". The justice of this clause is apparent. A junior member, after being sent to England to study for the Civil Service at tarawad expense, perhaps the tarawad incurring considerable debt for the purpose, and having returned with success and obtained a lucrative appointment with fair prospects of advancement in the public service, may renounce his rights in the tarawad leaving it heavily indebted. The tarawad might have built all its hopes of future prosperity on this particular individual, and if he turns tail and renounces his rights with no care for all that had been spent on him, what a sorry plight the unfortunate tarawad would be in, may better be imagined. The section would then run thus:—

Section 42. "Any member of a tarawad shall be entitled to give up his rights in the tarawad by the execution of a registered deed of renunciation, or by a notice duly published in the Government Gazette, on repayment to the tarawad of any pecuniary aid received over and above what he or she is entitled to as maintenance from the tarawad."

Lines 4 to 6 of section 42 in the Draft Bill seem to be redundant, as the right of karanavanship is one of the rights of a member in the tarawad, and the renunciation of such right is already provided for in the previous three lines.

In *Cherukoman v. Ismalia* (6 M. H. C. R. 145 and 401), Mr. Justice Holloway considered the question of renunciation of rights with great care and came to the conclusion that the rights of a karanavan were the result of a natural condition and that neither he nor any one else can deprive him of the same. If this is the correct view, neither could an anandaravan renounce his rights in the family to succeed to the karanavanship according to seniority. Mr. Justice Holloway admitted that the general rule is in favour of the power of renunciation, but observed that there are certain exceptions, and he counts the karanavan's rights as one of these exceptions. The learned Judge quotes from the text of the 'Digest', "It is the opinion of Julian that the law of relationship (through males) cannot be disclaimed by agreement no more than any one may say that he does not wish to be himself". In this quotation we have to substitute the word 'female' for 'male' to make it applicable to a marumakkathayam family. No one disputes this proposition of law. The renunciation contemplated is not that of *relationship*, the result of natural condition, but it is of the rights attached to such position. The question is dealt with at great length by a Full Bench of the Madras High Court in 28 Madras, page 182, and the conclusion the Full Bench has come to is that "it is open to a karanavan of a tarawad to renounce his right to manage tarawad affairs". The High Court has also considered whether he could do so before the right became vested in him.

Option to
adopt
makkathayam.

I believe the policy of the legislature is not to impair the integrity of the marumakkathayam system to any large extent, and that it is its intention to support it so far as it can fairly be supported on moral and economic grounds. History shows that society, in every part of the world, has at one period or other, however remote, passed through maternal filiation, till, as civilisation progressed, all society converged towards paternal filiation and became patriarchal. The matriarchal family of Malabar has yet to evolve itself into the patriarchal family of the rest of the civilised world; and I think it is the duty of the legislature to assist Malabar society in its attempt to reach its ultimate goal, not violently interfering, however, with the existing system to any large extent. Some of the witnesses (V. V. W. Nos. 27, 28, 42, 180, 194, 196, 197, 296, 319, 351) have evinced a strong inclination to adopt the makkathayam system. To accede to this desire at once will be altogether undesirable and almost a leap in the dark. As already observed, the recognition of a junior member's right to make self-acquisitions, to deal with them during his life-time as he chooses, to dispose them off by way of testamentary devise, to allow such acquisition to be inherited by his own thavazhi, etc., have already bored a deep hole in the marumakkathayam system. If, by the proposed law, marriage is legalised, and the jural relationship of husband and wife, father and child are recognised, and the rights of maintenance, guardi-

anship and inheritance, rights incidental to and arising from marital relation, are conferred, and partition of tarawad property is allowed, and the right of each individual to call for his share in the tarawad property is conceded, a further and more serious inroad will be made upon the system. It must be admitted that these are but successive steps towards makkathayam. If we allow a member of the tarawad to renounce his rights in the family and cut himself off altogether from it, I cannot understand why he should not be allowed to choose the makkathayam system of inheritance for himself henceforward. In view of these remarks, I would propose the following provision :—

(y) " Any member of a tarawad renouncing his rights in the tarawad, under the preceding section, shall, on making a registered declaration before a Registrar of assurances or a Magistrate of the first or second class that he is willing to be governed by the Hindu law, be entitled to be governed by the Mithakshara school of Hindu law with the modification that widows, sons, and daughters shall be entitled to equal shares in the property of the husband or father".

" If such member is a married man his wife and children, if any, shall also join such declaration, having previously renounced their rights in their tarawads".

The next most important subject for consideration is that of partition. We have already seen that, in theory, a marumakkathayam tarawad is indissoluble. All members constituting it have equal rights to the properties, no one member being in a position to say that he has a definite share in it. No member can claim division as a matter of right, and any can resist if he does not like it; in other words the unanimous vote of the members is necessary to effect a partition.

Partition.

I have considered and discussed the policy and justice of this in detail in my Travancore Memo, paras 146 to 178. There I have endeavoured to set the *pros* and *cons* of the argument against each other and have come to the conclusion that on principle and policy, individual partition is the goal at which every one should aim it, but the recognition of the right of the thavazhi to demand its share may be recommended as a first instalment. In Travancore the right of the individual member of a tarawad to demand his share of the tarawad property was beyond the scope of the Committee's enquiry. There the investigation and report of this part of the enquiry was restricted to the question whether it is necessary and feasible " to give to thavazhies related to one another more remotely than through a grandmother, the right to enforce partition". Here our hands are not fettered in this respect. We are asked to report " whether an adult member of the tarawad should have the right to enforce partition. In this connection it should also be ascertained whether the general sense of the community is in favour of individual partition or in favour of thavazhi partition".

On the general aspects of the question I would respectfully draw the attention of the Darbar to the various paragraphs of my memo above mentioned. For better convenience I shall endeavour to give a synopsis of my observations there. I have pointed out that the Hindu Law in its archaic form allowed no partition, that as society advanced, the glossators found means to evolve the present system of individual right to compulsory partition; that the early British Judges gave an impetus to this salutary development of the Hindu Law; that the Judicial Committee of the Privy Council softened its harsh incidents, and that the Privy Council as well as the English Judges in India were not slow to give effect to the principles of English common law and equity and to adapt the law here to the changing conditions of the country under British rule. In this respect Malabar was rather unfortunate. Though the earlier Judges looked to the custom of the country for their guidance for want of written law in each particular case, Judges like Messrs. Strange and Holloway looked more to the theory of the law and its logical outcome than to the actual customs of the country, thus making the law of the courts with regard to inheritance and succession to property differ considerably from the custom of the people in actual practice. Though native Judges in the District, more conversant with the customs, habits, feelings, desires and aspirations of the people, were inclined to favour partition, in the High Court the necessity to "consistently carry out the doctrine that all rights to property are derived from females" stood in the way of admitting the right of an individual to demand his share in the tarawad property. In 1 Madras H. C. R. page 382, Mr. Justice Holloway deprecated the "attempts of lower courts, acting upon their own views of expediency, to introduce foreign admixtures into a law of which, whatever may be thought of the policy, none can deny the consistency with the theory upon which it is based".

Mr. Mayne has pointed out in the preface to the 1st Edition of his 'Hindu Law' that the continued efforts on the part of the Malayalees to acquire power "to deal with their property by partition, alienation and devise, were constantly successful in the provincial

courts, but were invariably foiled in appeal to the Sudder Court at Madras, the objection being frequently taken by an English Barrister. It so happened that during the whole time of this silent revolt, the Sudder Court possessed one or more judges, who were thoroughly acquainted with Malabar customs, (rather with what they fancied were such) and by whom cases from that District were invariably heard. Had the court been without such special experience, the process would probably have gone on with such rapidity that, by this time, every Malabar tarawad would have been broken up. The revolt would have been a revolution", i. e., in the view of those who had deliberately shut their eyes to the real customs and usages in vogue among the community. The learned author further adds in the body of the work, "And it is certain that the Malabar tarawad would long since have broken up into families, each headed by a male, *if our courts had allowed them to do so*".

Mr. Justice Holloway was of opinion that "where a rule of law indisputably exists, it is the duty of the Judge not to fritter it away upon the specious pretence of bringing rules of law into harmony with what they may consider to be the requirements of society". It is this view of the duty of a Judge that led Mr. Justice Holloway to look more to the theory of the law, its consistency and its logical consequence, than to the actual requirements of the society to which the law is applied. The learned Judge apparently forgot for the moment, or was not aware of the already once quoted remark of one of the greatest of English Judges, that "Law is made for man and not man for the law". A late Chief Justice of England, Sir Alexander Cockburn, an equally eminent Judge with, if not a more eminent one than, Mr. Justice Holloway, has observed in his judgment in *Wassan v. Walters*, ".....whatever disadvantages attached to a system of unwritten law, (x x x the law in Malabar is unwritten) and of this we are fully sensible, it has at least this advantage, that its elasticity enables those who administer it to adapt it to the varying conditions of society and to the requirements and habits of the age in which we live so as to avoid the inconsistencies and injustice which arise when the law is no longer in harmony with the wants and usages and interests of the generation to which it is immediately applied".

Sir James Fitz James Stephens, some time legal member of the Viceroy's Executive Council and a Judge of the High Court of Justice in England, seems to have had a different idea as to the conception of the duty of a Judge in India. Addressing the Viceregal Legislative Council on the Brahma Marriage Bill, Sir James observed, "The native laws should not be changed by direct legislation except in extreme cases, though they may and ought to be moulded by the Courts of Justice as to suit them to changing circumstances of society. If this principle is fully grasped, it will, I think, serve as a key to nearly every question, regarding the alteration of native laws".

More recently the Madras High Court itself seems to have recognised this principle, for, in 38 Madras at page 58, Mr. Justice Sundara Iyer observes, "The argument cannot be accepted to the extent that a principle enunciated with respect to certain circumstances must always be carried out of its logical conclusion and applied to all analogous circumstances x x x. For, in the language of Lord Halsbury, 'law is not always logical'. It stops short of logical conclusions where it is necessary to do justice in a different state of things. Though the principle applicable may appear to be the same, the rule of law to be laid down must depend on the interests of the community at large and the demands of justice in varying circumstances; and logical deduction must yield to what justice, equity and good conscience requires".

The following words from President Wilson's address to the American Bar Association may be quoted here with advantage:—"It is worth while looking inside the Municipal law and seeing whether the judgments of the law are made square with the normal judgments of mankind, for I believe that we are custodians not of commands, but of the spirit of equal-handed justice, of the spirit of hope, which believes in the perfectability of the law with the perfectability of the human life."

If such be the aim and end of Municipal law and of law makers how much more is it the duty of those who administer the law to look to the spirit of equal-handed justice and realise the possibility of the perfectability of law with the perfectability of the human life.

The principle involved being an important one, I may be permitted to make one more quotation, this time from the work of an American author and Judge of the greatest eminence. Holmes, in his *Common Law* page one, says, "It is something to show that the consistency of a system requires a particular result, but it is not all. The life of the Law has not been logic. It has been experience, the felt necessities of the time, the prevalent moral and political theories, intentions of public policy avowed or unconscious, even the prejudices which judges share with their fellow-men have had a good deal more to do than syllogism in determining the rules by which men should be governed."

1. Cited at page 73 of the Madras Weekly Notes 1912.

It has been remarked, and there is considerable truth in the remark, that in India the tendency of Judges is towards crystallization and not adaptation to the changing condition of the times.

A true conception of their duty by the Judges in British India and in the States of Cochin and Travancore would have certainly induced them to realise the aspirations and feelings of the community, their aims and desires, and this would have made them see the necessity of enquiring into the customs and usages in vogue amongst the people. It is possible, indeed, most probable, that, in the absence of trained legal practitioners, facts and circumstances were not placed before the Judges in their proper light, and it is not likely that, in the absence of law reports, judicial precedents, being instances of cases where the Court had upheld the demand for partition, were even brought to the notice of the Judges who decided to the contrary. That there were such precedents is quite certain. With regard to usage, Messrs. V. Subramania Pillai, Chief Justice, and Subramania Sastrigal, Justice, of the late Appeal Court of Cochin, now the Chief Court, in their judgment in A. S. No. 27 of 1045, in upholding the right to partition in a marumakkathayam tarawad on the basis of law and usage, observed that the usage was the same in Cochin as in Travancore. So far as we are concerned, this decision of the highest court in the land which cites a long array of precedent ought to have been conclusive on the point. The learned Judges observed, "whatever may be the practice in (British) Malabar, there is evidence here to show that in this State the practice all along has been to allow suits of this nature to be entertained. See O. S. Nos. 486 of 1016; 59 of 1017; 78 of 1018; 165 of 1025; 88 of 1027; and 216 of 1036 on the file of the Anjikaimal Zillah Court. O. S. Nos. 163 of 126 and 402 of 128 on the file of the Trichur Zillah Court, and A. S. Nos. 7 of 1027; 60 of 1027; 33 of 1029 and 68 of 1037 on the file of the Appeal Court. In three cases out of them, namely, O. S. Nos. 59 of 1017, 165 of 1025, and 68 of 1037, the parties were Nairs, and partition was decreed at the instance of the plaintiffs. Of these three cases, one was not appealed against, while the decrees in other two were confirmed in appeal in A. S. Nos. 7 of 1027 and 68 of 1037. It is unnecessary to cite cases which were disposed of on oath or compromise or which were dismissed owing to misjoinder of parties or other preliminary objections. In most of these cases the defence set up was either that partition had already taken place or that the property in dispute was self-acquired; but no contention appears to have been raised in any of these cases that the right to enforce partition was against usage. In the present suit also no such objection has been raised by the defence. We think that the uniform course of decisions noticed above recognising the right to enforce partition is very strong evidence of the existence of the right here, and that these decisions are of more value than those of courts of other States to the contrary, however similar the manners and customs of the two countries may be. But we may mention here that this practice agrees with the custom as existing in Travancore.

It is not for this court to consider here whether the rule of partibility or impartibility is more conducive to the welfare of the community. Though arguments may be advanced in justification of either view, there can be no doubt that those in favour of partition carry more weight with them. *To whichever view this court may be inclined, nothing could warrant us to depart from a course of practice which has been invariably recognised and uniformly acted upon and as such has obtained the force of law*". (Italics mine).

This pronouncement was made on the 6th Mithunam 1046. It may also be remarked that one of the Judges who took part in the case, Mr. V. Subramania Pillai, Chief Justice, was for some time in the Travancore Judicial service, where he rose to be the 1st Judge of the Zillah Court of Alleppey, before being appointed Chief Judge of the Appeal Court here, and may, therefore, be expected to speak with authority on the existence of the custom permitting partition in Travancore.

After this strong pronouncement of the Appeal Court in favour of the right to demand partition, one should have expected that so far as this State was concerned the question was determined once for all. But it cropped up again by way of side issue, and in the absence of authorised reports of cases decided by the Chief Court, the Judges before whom the issue came up had no means of knowing the previous decisions on the point. In the meanwhile the courts of justice in Cochin had been modelled on the British system, and Judges who were either graduates in law of the Madras University or Barristers-at-Law were invited to preside over them. Imbued with the traditions and principles of Malabar Law as expounded by the Madras High Court, these Judges who had sat at the feet of their Gamaliel, Mr. Justice Holloway, were only too eager to adopt the interpretation of Malabar Law by that eminent Judge and apply the same here. It will have been observed that in the last but one para of the judgment of the Appeal Court quoted above, the Judges had clearly warned the courts against the adopting of decisions of the courts of other States in preference to the uniform course of decisions of the courts here. In spite of all this, the new Judges were eager to follow the British model. They argued, with Mr. Justice Holloway, that the only logical conclusion that can be arrived at on a careful consideration of the theory of the joint-family system in Malabar is that it should be in "a state of perpetual

union", and they decreed that in a Malabar family no one had the right to demand a share. Ever since, the law has been that there can be no compulsory partition.¹

In A. S. 121 of 88 the learned Judges of the Chief court observed, "It is settled law that for the purpose of a valid partition amongst the members of a Malabar tarawad all members thereof must be parties thereto and that the withholding of the consent of any one member is enough to render it void". The learned Judges added, "It is no doubt very hard that Exhibit B which has been assented to by most of the members of the tarawad should be held invalid for the reason that a few members are against it and that by declaring Exhibit B inoperative, the tarawad is drifted into confusion and entails serious loss. While we are satisfied that the terms of Exhibit B would conduce to the welfare of the members of the family and that the branch tarawads would have a prosperous career, we are powerless by the reason of the settled state of the Malabar law binding on us to grant them relief, for by doing so we would, instead of administering the law as we find it, be making law ourselves, which is not the province of the courts, but of the legislature. Legislature has to step in and enact the necessary measures for placing matters on a satisfactory footing". (Padmanabha Menon, Plaintiff, and Sivarama Menon and 153 others defendants).

But the community has felt for long that the families comprising it can no longer continue to be in a state of "perpetual union" to which it was doomed by the courts. Instead of waiting for the legislature to step in, the country seems to have taken the matter into its own hand. The evidence taken by the Committee makes it clear that partition has been going on ever since; families make arrangements to separate and divide themselves into branches with independent rights when they find it impossible to hold together any longer.

The courts, specially in Travancore, were compelled to recognise partitions by presuming that families, living separate with separate enjoyment of properties for nearly 40 years, in which separate management was never questioned, the tax was paid separately and the registry had been altered, and during all that period no admission of co-parcenership had been made, should be taken as parted. In course of time the limit of 40 years was brought down to 25; see 2 T. L. R. page 33 and 9 T. L. R. page 42. (See para 149 of the Travancore Memo).

In paras 150 and 151 of the memo I have pointed out that the reasons which necessitated the system of non-partition have ceased to exist. I have shown that the Malabar joint-family system in its pristine purity is an anachronism. It is quite out of date, it has outlived its days. It had its origin in a state of society long since past. The old customs have been broken in upon. The reason which necessitated community of rights in property and commensality of living has ceased to exist *Cessante ratione legis cessat lex ipsa*.

In para 152 I have shown that it is no longer safe to foster the ancient and now crippled joint-family system in its strictest integrity, and I have also shown how it has arrested the progress of the community in many ways.

In para 153 I have endeavoured to show that the restriction of the powers of the karanavan to deal with tarawad properties would not be enough to allay the present evils. I have argued that a law restricting the powers of alienation of property is not calculated to the well-being of a country. Freedom with regard to the use of property, and not restriction, will be conducive to national prosperity. Restriction is artificial and liberty is natural. Any restriction of the karanavan's power would only engender irresponsibility and consequent neglect, leading to the detriment of the interests of the tarawad. I stand, therefore, for the recognition of individual right to partition as a panacea for all the evils from which the Malabar tarawad now suffers under this head, instead of the curtailment of the powers of the karanavan. I may at once say that my ultimate goal is makkathayam, that natural form of inheritance in practice all over the civilised world. All reforms and changes should in my opinion lie in that direction. If the time for changing the present system of inheritance into makkathayam has not yet arrived (and I believe it has not), when it does arrive, the legitimate mode of breaking up the tarawad system would be the introduction, as a disintegrating factor, of an individual's right to partition of tarawad property and the recognition of one's right to elect to live under the makkathayam system. See the observations of I. W. XXVII, Mr. Justice P. Narayana Menon, M. A. & B. L., para 3.

I may now consider in short the most important objections to partition raised by the witnesses generally both in Travancore and Cochin. It will not be profitless for us in Cochin to take note of the objections taken by the Travancore witnesses, for the objections raised by witnesses here are almost all on the same lines. Later on, I shall endeavour to notice some special objections raised here. These seem to be based on

Objections to
partition.
General.

- (1) Historical,
- (2) Sentimental, and
- (3) Economic considerations;

and I shall proceed to make some observations on them to expose their untenability. In doing so, I cannot do better than refer to the various paragraphs of my memo wherein I have discussed them *seriatim*.

i. *Historical objections*.— a) It is said that the origin of the matriarchal joint family system is immersed in obscurity, it has had at least the sanctity of above a thousand years' observance. It is therefore argued that one should hesitate before breaking it up. It has indeed the merit of hoary antiquity, but it has to be remembered that the world is never stagnant, it is always progressing, always on the march. In the course of evolution, society has changed its phase over and over again, or else we should be now weltering in the vortex of a state of nature. In the matter of sexual relationship, I have shown how we have passed from promiscuity to polyandry and thence to polygamy and are on the way to monogamy, i. e., from savagery to barbarism, and thence to civilisation. With regard to rights to property also, the change has not been inconsiderable; except that the joint family property is not compulsorily divisible. The rights and duties of the karavan and anandaravan with regard to it bear no likeness whatever to what they were originally.

(b) The next objection under this head is that the system is a matriarchate in which the female is the head and visible centre with civil and legal status independent of man, and therefore she is the proper party to move for partition. In para 156, I have exposed the fallacy of this argument. I have shown that "theory apart by a practice obtaining in Malabar, a senior female gets excluded when there is an adult male member", "the senior male member of a tarawad is by right of birth the karavan or manager". In I. L. R. 2 Madras, page 328, the Madras High Court observed that "under Malabar Law the eldest male member of a tarawad is the karavan. In him is vested actually (though in theory in the females) all the property moveable and immoveable belonging to the tarawad". The position of a female of a tarawad, irrespective of her seniority of age even among the males is that of an anandaravan only. Her rights are subordinate to the karavan. The objection is therefore illusory. It is interesting to note, in this connection, that out of 15 ladies who had responded to our invitation as many as 12 are in favour of partition in some form or other; See I. W. 1, 2, 7, 35, 36, 38, 39, 40, 42, 44; 2 are against and one does not answer the question.

II. *Sentimental*. (a) It is objected that the tarawad is a corporation, a self-governing institution, the heritage of centuries, which had been worked with success even without the influence of western civilisation. The change will deprive tarawads of this character and expose them to the action of disruptive influences from outside. In paras 158 to 160, I have attempted to expose the hollowness of this objection. It is not correct to say that the tarawad is a corporation or that it is a self-governing institution. There is little or nothing in common between an ordinary corporation and a joint family. In fact the differences are greater than similarity. It is much more incorrect to style a marumakkathayam tarawad a self-governing institution; it is more a one-man government, the absolute rule of the karavan, "the life-long aristocracy of the karavan" as I. W. XCII Prince Ravi Varmah puts it. His powers of management are despotic and arbitrary. Though a heritage of ages, the system has undergone considerable transformation. Its original form is altogether changed, except for its still clinging to its so-called indissoluble character. Even here voluntary dissolution takes place, admittedly to a very large extent. Such voluntary dissolution is not the result of liberty allowed to separate. Such liberty afforded to the whole tarawad in a body is no liberty at all and can scarcely be said to do away with the necessity of allowing compulsory division. Towards this end a statutory recognition of the right is necessary, because the function of the law is to coerce those who would possibly break a rule of conduct, and not merely to approve of the action of those who observe it.

(b) Another objection under this head is, that under the present rule it practically rests with the aged and experienced members of the tarawad to decide when and where separation is necessary. Under the proposed law the power of deciding the question will pass partly to the young and inexperienced men in the tarawad and partly to those who may influence them from the background. It is added that this is a period in which vague hopes are tempting men into paths of danger and destruction. The control which the aged and experienced members of the community exercise over the young, inexperienced and

thoughtless, is particularly needed at this time ; but the change proposed will considerably weaken such control.

I have in paras 161 and 162 of the Travancore Memo endeavoured to combat this view.

The correctness of the first part of the above statement is open to serious objection. Both in theory and in practice it does not rest with the aged and experienced men of a tarawad to decide as to when and where separation is necessary. In theory, there can be no separation unless each and every member concerned consents whether experienced, aged, or not. In practice our experience shows that, more often than not, the consent of the eldest and presumably the most experienced member, i. e., the karanavan has to be purchased at great sacrifice giving him a double share and not rarely with an extra grant or bribe to his wife and children to get him to consent to the proposed partition. The aged and experienced among the rest, i. e., those who are nearest in succession to the karanavanship, are naturally averse to give up the chance of management coming to them in the near future. These too have to be placated. The proposed law does not certainly confer the power to decide, as to division, either on the young and inexperienced, or on the aged and experienced. It simply recognises the right of a majority of the major members of a thavazhi to cut off from the main tarawad. We may take it that a thavazhi as a body or a majority of its major members will not be oblivious to its or their own interests, when asking for partition. And who are those who are said to influence them from the background? If the reference is to the so-called machinations of outsiders allied with the family by marriage, then, indeed, their influence for weal or woe, is recognised, and if detrimental, would it not be better to diminish the extent of such influence for the common good, by circumscribing its limits? Instead of such influences being left to jeopardise the interests of the whole tarawad, why not confine it to the narrow limits of the thavazhies? The lesser the extent of the evil, the better. But why should we gratuitously presume that those allied to the family by marriage are prone to machinations while it is their interests to look to the welfare of their wives and children?

The second part of the objection strikes a note of despondency which I may make bold to say is altogether misplaced. Our young men, with the spirit of modern education infused into them, may very well be expected to keep themselves steady and to steer clear of Scylla and Charybdis—"danger and destruction". Temptations there are ; but which age and which country have them not. They are not peculiar to the present age, nor to this country. Instead of running away from them, would it not be better, more manly, and honest to boldly meet them in the face, grapple with and overcome them, and adopt the right course to national prosperity? Our young men may be inexperienced ; thoughtless they are not ; they are the assets of the nation ; in them our hopes for the future are centred. Their education overbalances their want of experience. The aged, the experienced and far-sighted members of the community, who are said to control the young and the inexperienced at present, may be taken to be the karanavans of the tarawad, and their absolute rule is condemned all round. A large majority of the witnesses, if not almost all, in one voice loudly complain that they are dissatisfied with the autocratic and absolute rule of the karanavan and suggest measures to curtail his power. We have the authority of a learned Chief Justice of Travancore to say that "the feelings between the karanavan and his juniors are being more and more strained", and that "the junior members do not obey the karanavans as implicitly as before". Unless it is argued that the karanavan should be invested with plenary powers to coerce the juniors to obedience, there is no means for him to keep the anandaravans under his control. The change proposed will not certainly weaken any legitimate control—only the circle will be narrowed. Instead of one single karanavan holding sway over a number of thavazhies combined, distantly related to him, "huddled together in one huge camp", there will be a number of them, each at the head of a group of individuals more closely related to him, living in separate dwellings. Even here we may remember the remark of the Travancore Chief Justice that "the karanavan's affection for his sister, sister's children and maternal relatives is gradually growing attenuated". (21 T. L. R. page 252). Hence the desire for individual partition.

III. *Economic objections.* (a) Let us now take up the objections based on economic grounds. These I have considered in paragraphs 163 to 171.

"The present wealth of the Nairs", it is urged, "is not sufficient to support them decently on the individual family system; it is the tarawad system that enables many of us to get along pretty decently". So, do not touch the joint family "which minimises the effect of our poverty". Again, "partition would strip bare and exhibit our complete poverty". "We are not a community going forward ; we are fast sinking ; and any upheaval like a sudden legal recognition of partition will be giving a fresh momentum to the downward move". "Economically we are in the last throes of extinction". The refrain all along is, "we are a poor lot, we are sinking fast". But let us try to become rich, let us make an attempt to rise before we are drowned, let us see why we are poor, why are we sinking. Why are we in the last throes of extinction? Would the recognition of partition give a fresh

momentum to the downward move, or would it afford us a helping hand to relieve us of our difficulties? These are questions pertinent to our enquiry, and who would doubt the necessity of finding a means of uplifting a community such as ours from this veritable slough of despond? There is a prevailing general sense that the race is declining. We have the authority of Mr. Logan, once before quoted, which is fully endorsed in the Malabar Marriage Commission Report, that "the Nair is more and more becoming a family man. With a large increase of their numbers, and with comparative poverty, the race is fast degenerating". The cause of this degeneracy has to be diagnosed, and in attempting to do so no considerations of delicacy should deter one from probing the disease to its very bottom.

What, then, are the causes of this poverty and degeneracy? I am strongly of opinion that the present joint-family system is one of the prime causes that has brought about this undesirable result. The defects of the system which have conduced towards this end may be pointed out here.

(1) It does not recognise the relationship of husband and wife, and of father and child. One's own issue finds no place in it except in the case of female members. In our family system, as at present constituted, the anxious solicitude for the welfare of the young people, the self-sacrificing efforts made for them by their elders, the judicious mind that trains them up in the particular walks of life to which they seem most fitted, and the silent encouragement and the wholesome influence of a sympathetic home are sadly wanting. The despondent, the undemonstrative, and unromantic nature which form distinguishing traits in the national character of the Nair community, may, I fancy, be attributed to the cold restraint which they have to maintain in a tarawad composed of distant kinsman on the mother's side, towards whom it is not in human nature to feel the same warmth and glow of family affection which one is apt to feel towards the issue of one's own loins. It is the father who can naturally be expected to care for the education and start in life of his children. As observed by Bentham, "the choice of a business depends upon so many circumstances that it belongs only to parents to fix upon it; no one else can so well judge, either what is proper for the children, what they expect or for what their talents and inclination are adapted". Mill prescribes this as one of the duties of parents to their children.

The Malabar Marriage Commission Report describes the present condition of the Malabar joint-family in the following apt terms. "It huddles together as a family a number of distant relatives not necessarily drawn to each other by any bond of natural affection. It makes home-life in the best sense of the word impossible; for the father is a casual visitor and the mother and children are but units in a heterogeneous flock, dependent on a practically irresponsible guardian who, from the mere accident of his being the eldest of the flock, is expected to be able to regard every member with an impartial love and to prefer their interests to those of the wife of his bosom and the child of his loins" (para 61).

(2) The karanavan is not personally bound to maintain the juniors unless there is tarawad property, and it seems to be taken for granted that every tarawad has an ancestral estate upon which to subsist, which is far from being true.

(3) The junior members feel too secure of the means of subsistence if there is any property in the tarawad, and they live the life of drones. Not being bound to work for the joint family, they feel no responsibility.

(4) The karanavan himself is under no obligation to augment the wealth of the tarawad or to work towards that end.

(5) Both the karanavan and anandaravan feel that their exertions would not go to the benefit of those to whom they are bound by natural ties of affection. "After all," observes Professor Marshal, "family affection is the main motive of saving," and it is saving and using what is saved in the most proper way that increases the national wealth. If family affection is the main motive of saving, it is exactly that which is *desideratum* under the marumakkathayam system. If it gives no room for family affection in its most proper sense, for, the tie of love and affection between the members, remotely related to one another, 'huddled together' under one roof, must be of the slenderest possible description. "The karanavan's affection for his sister, sister's children, and maternal relatives is gradually growing attenuated", observes the Chief Justice of Travancore. The condition in Cochin in this respect is no better. It is but natural that a man should love his wife and children before any one else. It is so all the world over. The law can only impose obligations and see them carried out. It cannot compel one to love another. "And what has had a greater effect on the growth of wealth", says Professor Marshal, "it has rendered it far easier for a man to provide a secure income for his wife and children after his death"; and he adds, "For, after all, family affection is the main motive of saving".

1. Theory of Legislation.

Principles of the Civil Code, Chapter IV.

Mill's Political Economy, Vol. I, page 276.

"Were it not for the family affection, many, who work hard and save carefully, would not exert themselves to do more than secure a comfortable annuity for their own lives". Again, "A man can have no stronger stimulus to energy and enterprise than the hope of rising in life and leaving his family to start from a higher round of the social ladder than that on which he began. It may even give him an over-mastering passion which reduces to insignificance the desire for ease and for all ordinary pleasures and sometimes even destroys in him the finer sensibilities and nobler aspirations. As is shown by the marvellous growth of wealth in America during the present generation, it makes him a mighty producer and accumulator of riches."¹ It is exactly this sort of stimulus for which there is no room in the marumakkathayam joint-family. In such a joint-family system there can be no stimulus to industry; no one has the exclusive right under that system in its strictest sense either to enjoy the fruits of his industry exclusively or to transmit them to his nearest and dearest. "The efficiency of industry", says Mill, "may be expected to be great in proportion as the fruits of industry are secured to the person exerting it, and all social arrangements are conducive to exertion, according as they provide that the reward of every one for his labour shall be proportioned as much as possible to the benefit which it produces."²

According to Sedgwick, "Whatever its *rationale* may be, it is this right of excluding all others permanently from interference with a particular portion of matter which we have to regard as the most essential element in the Right of Property in the material things"³. According to strict Marumakkathayam Law, the right of property in the fruits of one's own labour is denied to the members of a Malabar tarawad. Though the right to possess exclusively, and to alienate till death, and devise by will, one's own self-acquisition has been conceded of late, still, the fruits of one's exertion in the tarawad continues to be enjoyable only in common with no power of transmission. "All laws or usages", observes Mill, "which favour one class or sort of persons to the disadvantage of others, which chain up the efforts of any part of the community in pursuit of their own good, or stand between those efforts and their natural fruits are (independently of all grounds of condemnation) violations of the fundamental principles of economical policy; tending to make the aggregate productive powers of the community productive in a less degree than they would otherwise be"⁴. With the Nair, the marumakkathayam family hangs on him like a heavy millstone of which any one with a sense of duty in him cannot think of disencumbering himself. To him there is ever present a conflict between natural affection and legal duty and, of course, with men of honest principles the sense of duty must prevail.

(6) The system promotes indolence, discourages individual industry, arrests all individual progress, offers no incentive to mercantile or industrial pursuits, and undermines the fundamental characteristics of modern industrial life, namely, self-reliance, independence, deliberate choice and forethought.

(7) Under the tarawad system it becomes impossible for the karanavan to carry on trade on behalf of the tarawad. This is clear from the judgment of the Madras High Court in A. S. Nos. 254 and 287 of 1917 to be found reported at page 9 of "New India" of 22nd February 1919. The report says:—"Three successive karanavans of a Malabar tarawad were traders. All the tarawad property consisted of the trade earnings of the first two of these. There was no evidence that the trade of the second was a continuation of the first. But the trade of the third was admittedly a continuation of that of the second. Some of the adult male members of the tarawad were also traders. During the time of the third karanavan, the trade collapsed with outstanding liabilities to the extent of two lacs of rupees. The creditors filed suits and prayed for relief against the tarawad. In the case of an ordinary Mithakshara Hindu family, and more especially in the case of Nattukottai or Marwaris families, the above circumstances might have been quite enough to make the trade an "ancestral" one, and to render the whole family liable. But their Lordships held that the law appertaining to Malabar tarawads was different, since the junior members or anandaravans had no effective mode of expressing their dissent by asking for accounts and partition as in ordinary Hindu families; that "carrying on trade" was not one of the legitimate occupations of a karanavan and was outside the scope of his authority, and that the tarawad was not liable for the trade debts of the karanavan."

"Carrying on trade" is now judicially declared to be outside the legitimate occupation of a karanavan and outside the scope of his authority.

(8) The tarawad is not bound to supply either capital or expert knowledge for the development and utilisation of the immense natural resources of our country, so well favoured by an all-bountiful Providence, requiring besides enterprise, capital and efficient

1. Economics pages 309 and 310.
 2. Political Economy Volume I, page 142.
 3. Elements of Politics, 2nd Edition, page 69.
 4. Political Economy, pages 142 and 143

training. The imparting of education, general or technical, specially on western lines, does not fall within the province of a karavan's obligations to the junior members of the tarawad,¹ although economists consider funds spent on education as an investment.²

(9) "Under the law as now administered", observes Justice Sir C. Sankaran Nair, "the character of the people is deteriorating and will continue to deteriorate so long as temptations are placed in the way of the male members of the tarawad to enrich their wives and children at the expense of the tarawad and thereby to commit breach of trust. In fact such breaches of trust are so universally practised that it does not excite any moral disapprobation unless it goes to an intolerable extent." (G. O. 504 page 133).

I do not for a moment blink the fact that there are other and weighty causes that have driven us to our present economically degenerate condition. There is considerable truth in the statement that our wealth, our capital, is land and that we have no other source of wealth except land; agriculture is our only standby and we have no manufactures or other industries worth mentioning; yet we have considerably neglected it and are neglecting it.

"Of the agricultural population 15 per cent. are", according to the latest Census Report, "Nairs, mainly cultivating tenants and field labourers." "Of domestic servants, cooks, etc., 42 per cent. are Nairs, and out of every hundred of general labourers are 6 Nairs para 114). Out of 1000 workers amongst them 626 are Nairs".

From the earliest times known to history, cultivation and fighting formed the profession of the Nairs. They were also the Kanakars or supervisors of the lands of the Nambudiries, besides themselves owning lands. Ibn Batuta, travelling from Calicut to Quilon in the early part of the fourteenth century, says, "In all this space of two months' journey there is not a spot free from cultivation. For, everybody has here a garden, and his house placed in the middle of it; and round the whole of this there is a fence of wood, up to which the ground of each inhabitant comes."³ In the early part of the 16th century we learn from the Portuguese writer Barbosa that "they (the Nairs) lived on their estates which they fenced in".⁴ Pyrard de Lavel at the beginning of the 17th century, informs us that "the Nairs are all lords of the land and live on their revenues or on the pension allowed by the king". The lands were actually cultivated by the slave class, such as the Pulayans, etc., the supervision alone being done by the Nairs. The Nair Brigade, the only surviving remnant of the old fighting Nairs, now a body of nominal warriors employed exclusively as guards of honour and watchmen, even now add agriculture to their other profession. While off duty, they engage themselves in cultivating their lands to supplement their scanty pay. Even in the matter of agriculture at present, competition is keen, and conditions of cultivation have altered greatly. With the disorganisation of the traditional arrangements of professions and industries, a large number of hands have been thrown on land as the only means of obtaining a livelihood. Population has increased to a large extent, and the people not having enterprise or capital to open up new areas of cultivation, waste lands are seldom taken in hand, while the existing holdings are being parcelled out into innumerable small sub-divisions. The result is gradual pauperization. The soil is getting exhausted. Little or no manure is used. The livestock is deteriorating; the area of pasture is shrunk; the increase of population has caused all available land to be occupied for habitation, though not for cultivation. Both animal and leaf manure are scanty. The Forest Laws and salt duty sit heavily on the agricultural classes. Little or no common pasture land is reserved, and grazing fees have to be paid for pasturing cattle. The duty on salt is so heavy that it cannot be made available for the cattle. Leaf manure cannot be had without the payment of extra fees.

Apart from the circumstances to which I have already referred, there are certain special causes operating toward the degeneracy of the Nairs.

My countrymen will, I am sure, pardon me, but the truth has to be stated in all its nakedness. Pride of caste, pride of lineage, pride of profession, an overweening and self-complacent idea of their own importance and superiority as members of society, these have in no small degree contributed towards the bringing into existence of the present condition. They are averse to manual labour of any kind; they think it degrading. A false idea of dignity deters them from undertaking enterprises that will in the long run advance them as a nation. Of the Nairs Camoens has sung in his *Lusiad* :—

"By the proud Nairs the noble rank is claimed
The toils of culture and of art they scorn".

They have yet to learn that

"Honour and shame from no condition rise
"Act well thy part and there all honour lies".

Pope.

1. 8 Madras Law Journal page, 294, also our Chief Court.

2. Marshal on Economics, page 299.

3. Lee's translation, pages 165 and 166.

4. Description of the Coast of Africa and Malabar, page 129.

They have not in them the genius for commerce. They have not hitherto taken kindly to the mercantile profession and they do not show any aptitude to be merchants or traders. They stick close to agriculture and Government service, now that their other and more legitimate profession of fighting is gone. But what nation in the world's history has prospered as mere agriculturists and quill-drivers? Though theoretically, living a corporate life, corporate action is foreign to them. Want of union among themselves, being the heritage of the joint family wherein, paradoxically enough, a state of perpetual disunion prevails, and want of confidence in others prevent them from united action, and stand in the way of their entering into large undertakings. They seem not to understand that confidence begets confidence. Home-sickness and superstition born of the "absolutism of caste and precedent" are among the causes that have deterred their progress. Their unnatural system of family life and laws of inheritance are responsible for their present unenviable condition. They have been made weak by 'time and fate'. They have not the patience to suffer and the perseverance to command success. They have not the will 'to strive, to seek, to find and not to yield.'

The Nairs have from early days served the Government of the country as accountants, writers, magistrates, judges, governors etc., and this sort of official and professional labour has come to be looked upon as higher than agricultural and industrial pursuits. They forget that the other classes whom they are pleased to designate as lower are gradually coming up, and that there are influences at work which it is not in their power to stop. The Christian Missionary, with his proselytizing and educational labours, has been abroad now for some time, and even the Cherumas and Pulayars have improved under his benevolent instruction. It is not for us to consider how far the missionaries are right in dislocating traditional arrangements as to the exercise of the various professions of the country. But there can be no doubt that they have conferred the inestimable boon of education on the submerged classes, and have elevated them in the social ladder. It is, indeed, gratifying to see that these classes are pushing forward ever and anon. Unlike the Nair, they "scorn delights and live laborious days", and are never averse to turn their hands to honest labour to earn an honest penny. The Nairs, on the other hand, have still to realise the dignity of labour and the spirit of self-sacrifice, and to learn how to sink the individual in the nation. I feel persuaded that unless prompt measures are at once set on foot to improve their present deplorable condition they will be swamped by the more enterprising classes, such as the Ezhuvas and the Native Christians, both of whom are exhibiting a highly commendable spirit of enterprise indicating the way to prosperity and affluence, a notable object lesson to the Nair community. Let us hope with Dr. Subramania Iyer, the Travancore Census Commissioner, that:—"With the large number of cultured and still monied men, there is no reason to fear that an early diagnosis will not be made and prompt remedy adopted. Under present circumstances, agriculture must be largely supplemented by industries of all sorts so organised as to leave intact the independent, self-reliant habits of the earlier people, who would not object to do any kind of work if at their ancestral acre. Material want is the chief enemy of religion, morality and general character, and all efforts of improvement should go forth in that direction under the ennobling stimulus of internal harmony and universal love. (1)"

The present effort is to restore internal harmony and universal love and to lead to material wealth. The grouping together of those who may be expected to have common interests and common aims, will, it is believed, lead to preserve internal harmony in those groups to a certain extent, even if the separation of individual interests cannot be achieved in the present condition of Malabar tarawads. Hence partition into thavazhies is suggested and advocated as an initial step. In my view what is needed to set up the Nairs on their legs is to confer on them individual rights to property and leave them unshackled to launch upon any industry or enterprise best calculated to lead them to prosperity.

Another objection raised on economic grounds has reference to the supposed evil arising from the sub-division of estates and consequent increase in agricultural expenses. The argument is, that large farms would be cut up into small ones, thus diminishing the advantages of cultivating large areas, retarding agricultural improvements, and that the expenses of cultivation would also be increased. Here I would make reference to para 172 of my memo where I have quoted the authority of economists of the stamp of Nicholson, Mill and Marshall to show the absurdity of the contention. "It is possible", says Mr. Marshall, "that this (i. e., the collective cultivation or ownership of property) has been the most important of all the causes which have delayed the growth of the spirit of enterprise among mankind (2)". A learned writer in the Encyclopaedia Britannica (Vol. XIV page 266) after quoting Adam Smith's view that "a small proprietor, is of all improvers, the most industrious, the most intelligent and the most successful" adds, "He is also the most enterprising and has the strongest incentive to diligence".

1. Census Report, page 333.
2. Economics, page 15.

I have already observed that, as at present conditioned, wanting manufactures and other industries, agriculture is our main stay. All our endeavours revolve round the pursuit of the tilling art in its various forms and of whatever industries that closely bear on it. The development of agriculture consists, broadly speaking, in the direction of augmenting the food supply either by increasing the amount of yield from the existing area or by enlarging the field of agricultural operations. The area available for extending agricultural operations is necessarily limited. Large areas of waste land in the hilly parts are exploited by foreign agencies for rubber, coffee or tea cultivation on a scale unattainable, except through State aid, by the ordinary ryots on account of poverty. Their only means is to make an attempt at intensive cultivation, that is of augmenting the total out-put of food supply by increasing the yield from the existing area. And it is an admitted principle in agriculture that small farms are better suited for intensive cultivation than large ones. There the ordinary ryot can, with the little means he can command, adopt improved methods of agriculture and make an attempt to increase the yield several fold. Large areas require large capital, and we see that even the big jemmies who are possessors of large estates prefer to let out their lands in small farms on kanam to tenants.

Economists, in comparing the advantages of large and small farming, point out that, while in large farming there is greater scope for organisation and improvements, in small farming greater ardour of work, devotion to the land, etc., will be displayed. There are several distinct questions involved in the comparison; not simply the question of production, pure and simple; there are also various social and moral factors besides consideration of time and place, which it is difficult to keep separate in any particular case. Mr. Nicholson, on a consideration of all the circumstances, observes:— "From these considerations" it is clear that we cannot argue from the success of one system in a certain time and place that it ought to succeed in times and places in which the essential conditions may be different". Mr. Mill¹ observes that the superiority of the large system in agriculture is by no means so clearly established as in manufactures². Mr. Mill after discussing the advantages and the disadvantages of large and small farming, and after setting forth evidence gathered from various countries, concludes by saying that "After this evidence, we have surely now heard the last of the incompatibility of small properties and small farms with agricultural improvement". He points out that the working of the *petit culture* cannot be fairly judged where the small cultivator is merely a tenant, and not even a tenant on fixed conditions, but (as until lately in Ireland) at a nominal rent greater than can be paid. To understand the subject, it must be studied where the cultivator is the proprietor³. We have yet to know that large farming has been a success with the Nairs in this State. And there is nothing apparent at present to make us suspect that small farming will be a failure in the future. Even otherwise, the essential conditions as to the social and moral factors of the past and present have altogether changed. There is very little large farming at present. The large land-owners who, by the way, are Nambudiries, give their lands in plots on leases to a number of tenants. In the course of industrial progress some sort of natural adjustment may be expected to be brought about by which wealthy men will become large land-owners or capitalists in the popular sense. Whether it would be profitable for a country to have a small number of large land-owners or a large number of peasant proprietors holding small areas, is yet a moot question. Mr. Mill, as the result of an elaborate enquiry into the comparative merits of peasant proprietorship and large landed interests, observes, with regard to the former, "that it is favourable in quite as many respects as it is unfavourable, to the most effective use of the powers of the soil; that no other existing state of agricultural economy has so beneficial an effect on the industry, the intelligence, the frugality, and prudence of the population, nor tends, on the whole, so much to discourage an improvident increase of their numbers, and that no existing state, therefore, is on the whole, favourable both to their moral and their physical welfare"⁴. At all events the threatened danger, if it is real, will continue only so long as we remain a purely agricultural people. But agriculture is not and ought not to be our sole occupation. Coconut cultivation is as important as agriculture. In fact, coconut is the staple produce of our country as much as rice. One may name other industries such as the cultivation of tapioca, sugar-cane, lemon-grass, cotton, ground-nut, etc. Perhaps these industries would require sub-division of land to place it in the hands of the many who wish and are able to undertake their cultivation. Most of them are capable of considerable improvement, by proper care and skill. "The magic of property", observes Arthur Young, "turns sand into gold". When the individual, or the smaller group of individuals, becomes more and more interested in his or its welfare, greater attention will come to be paid to these industries. "The

1. Elements of Political Economy, page 67.
2. Book I, Chapter 9, section 4, of his work on Political Economy.
3. Ibid, page 179, Vol. I.
4. Ibid, page 192.
5. Ibid, page 186.
6. Ibid, page 368.

small size, and consequent multiplication, of farms, according to all authorities", says Mill. "are extremely favourable, to the abundance of minor products of agriculture". No doubt the expenses of the Nair community, for the last few years, have been out-running its income. Population has been increasing with rapid strides. Land, of course, cannot keep pace with it, and the cultivation of land, it is said, is our only means of livelihood. And yet there is no restraint placed against the propagation of the species. A protecting Paramount Power has secured to us peace and saved us from wars, while a beneficent and paternal Government has devised means to save us from famine and pestilence. We have now to exert ourselves and to enter on a new era of manufactures, commerce and other industries besides improved methods of agriculture and farming, failure to do which will, I believe, be more "a step impregnated, in the present circumstances, with destructive consequences" than the granting of the right to demand partition by thavazhies. "The risk of endangering our existence" lies more in this rather than in the other.

It is urged that the majority of our tarawads form petty holdings that cannot stand partition. The breaking up of and the frittering away of, lands in the present general condition of our society will result in our being deprived of the status we enjoy as part owners of the agrarian wealth of the State. But are we not living in a fool's paradise? Are we in any large degree the part owners of the agrarian wealth of country? Of the four hundred and odd witnesses examined by the Committee, only one, viva voce witness No. 286, said that his tarawad was paying a revenue of Rs. 5,000 annually. This witness is Mr. Kotasseri Kartha who is a jenmi whose lands are all outstanding and who can but command a bare subsistence for his tarawad. He has recently effected a partition which has distributed his jama between the various branches, thus disencumbering himself of a heavy responsibility. It must be remembered that in Cochin, where the jama stands in the revenue records in the name of the jenmi, though the lands themselves are all outstanding in the hands of karanavan tenants, the amount of tax paid by the jenmi is no sure test of his wealth or even of his solvency. The next one, viva voce witness No. 246, dropped to Rs. 4,000. The statistics collected of tarawads paying an annual revenue of below Rs. 15 and above, exhibits the real state of Nair tarawads of Cochin. Out of 13,610 tax-paying tarawads, 12,059 pay tax below Rs. 15; 636 pay between 15 and 30; 334 between 30 and 50; 293 between 50 and 100; 213 between 100 and 300; 42 between 300 and 500; 16 between 500 and 1,000; and 17 above 1,000 (see statement No. 1). It is clear from this that the Nairs of Cochin as a community cannot be reckoned rich. Only 1,551 tarawads pay an annual tax of 15 rupees and above. A tarawad may have estates whose assessed land revenue may amount to a large sum of four figures, and yet it may be 'encumbered to the hilt', so much so that its members have to live under the shadow of its past glory. And yet every single member of it will plume himself as possessing estates paying so many thousand rupees per annum as revenue to Government. Again a tarawad may be worth in all 10,000 rupees and each of the ten members constituting it live under the delusion that he is master of Rs. 10,000. The faults of the present condition of the tarawads cannot, of course, be laid at the door of partition. Can it be that they are the result of non-partition? The holdings have become small and the large estates have become encumbered to the hilt in spite of the joint and indissoluble family. Can it be not the result of eternal dissensions, bickerings, and quarrels between the members, the alienation of properties by the karanavan "out of mere spite or out of growing affection for the children of his own loins", ruinous litigation, and so on? And could not this calamity have been averted by a timely recognition of the right of partition? I believe that it could have been. It goes without saying that partition means the sub-dividing of the present holdings if it is effected, It would certainly break up the block which at present is of use, if at all, only to the karanavan and of more than doubtful benefit to the junior members. Instead of frittering it away, the land will be distributed among the various thavazhies, or members if individual partition is allowed, each of these becoming a nucleus or embryo which may enlarge itself and accumulate large estates in course of time. Why should we be so pessimistic as to suppose that the thavazhi or the member would not make the best use of the land, and that the chances are that it would be frittered away? Have we no confidence in the energy, the ambition and the anxiety of our young men, the rising hope of the race, to prosper, to become rich, and to add to the material wealth of the community? But why distrust our young men at all? They are the solace of our growing age. In them our hopes for the future are centred. They deserve our unqualified confidence. Their intellectual capacity is second to none. Their education, I mean the education which many of them have been able to secure, in spite of the marumakkathayam system, is a sufficient guarantee for their being able also to keep clear of the shoals and quicksands, the dangerous paths to destruction, pointed out.

1. I bid, page 190.

2. 21 T. L. R. page 252.

Having discussed the general objections against partition, we may pass on to the objections raised by such of the witnesses examined before us as have spoken against partition.

Objections to partition raised by witnesses here.

(1) Partition is condemned as a destructive step, subversive of the principles of marumakkathayam, instituted by divine precept, at any rate, by holy Acharyas of old, for the benefit of the Nambudiries and Nairs (I. W. No. XIII and others).

(2) It is urged that partition is not beneficial to the interest of the Nair community (V. V. W. 148, 166, 224, 233, 234, 236, 289, 310, 314, 323, 333, 345, I. W. VII, LX, LXXXI, LXXXII etc.)

(3) It is against custom and usage (V. V. W. 182, 314, I. W. LXXXVI, LXXXIX, etc.)

(4) It would increase the expense of the family (V. V. W. 91, 128, 294; I. W. XLI, etc.)

(5) It would prejudicially affect the prestige, dignity and credit of the tarawads (V. V. W. 273, I. W. XLI, etc.)

(6) That partition into thavazhies will increase the number of karanavans whose misrule and tyranny are the chief causes for the present demand for partition, and tarawads will be ruined, and there will only remain traces of their names (V. V. W. 10, 85, 91, 323, etc.).

Partition between thavazhies is condemned as a destructive step. It is argued that to break up what belongs to a commonality and provide for individuals or group of individuals seem to be an experiment not of great wisdom and clear perception, when the desired results can be attained without any such destructive methods. We may take it that no step will be advised as an experiment, though I. W. No. XCII strongly recommends such a measure, and that the legislature will also not enter on a course of experimental legislation. A community, as such, is scarcely a fit subject for experiments, and those who have their welfare at heart may be expected to pause before recommending or undertaking such a step. What then are the other methods suggested for avoiding the 'destructive step'? It is suggested that measures may be concerted to curtail the powers of the karanavan, to define the rights and duties of anandaravans; and various schemes are suggested by the witnesses for the proper government of the tarawad. Allotment of properties to thavazhies and partition itself in special cases are proposed. It is said that in special cases partition may be allowed. These are :—

- (1) Where there are only males in the tarawad,
- (2) Where there are only females past child-bearing, and
- (3) Where there is not property in the tarawad sufficient for the maintenance of its members.

So, the principle of] division is conceded, which means the breaking up of what belong to a commonality. That there are only males in the tarawad and not females or only females past child-bearing does not make its property any the less joint, neither does the fact that the tarawad has no properties sufficient to maintain its members. Partition of any kind of property and between whomsoever it may take place means the dismemberment of our estates against which objection is taken.

Objections 1 to 6 are stock objections generally taken to partition of any sort or kind. The antiquity of the system and its supposed origin are no argument if it has become effete and unworkable in practice. That partition is not beneficial is a mere dogmatic assertion and requires proof which is not forthcoming. On the other hand, there are witnesses who speak to partition being very general in the State and that it has generally resulted in preserving peace and harmony and in improving properties allotted to each thavazhi by creating a separate, as distinguished from a merely corporate, interest in the properties.

The next objection that it is against custom and usage is belied by the testimony of a very large number of witnesses. There are 157 witnesses who speak to partition into thavazhies being general in their part of the State, for a long time past. Of the viva voce witnesses, 138 belong to divided families. Nos. 1 to 78 as also some other witnesses were not questioned about this. Witness No. 61 knows of 30 to 40 cases of partition. No. 96 says that in Trichur almost all families are divided. Witness No. 134 who is 70 years old speaks to partition into thavazhies being general. Witness No. 167 who is Registrar of Chelakara says that he used to register one partition deed almost every day. Witness No. 194 speaks of 3 villages in his locality in which all tarawads have been divided except two or three. No. 215, aged 70, says that there are very few tarawads in his locality not divided. Witness No. 221 is 71 years old. He speaks to partition into thavazhies being very general. Witness Nos. 233 and 243 say that most houses in their village are divided.

No. 236 says that he has taken part in 20 cases of partition. No. 252 is a retired Registrar who has had 25 years' service. He speaks to registering one partition deed every day. No. 260 was Parvathiam in 5 villages. He speaks to partition being very general in all those villages. No. 262 was Parvathiam in three Taluks. According to him partition is very general in all those Taluks. Number 268 is a Munsiff's Court Vakil of 41 years standing. He too says that partition is very general. No. 269 says that there are 70 houses in his village of which three or four alone are not divided. No. 283 says that in his village almost all the tarawads are divided. So also Nos. 288 and 290. 292 was Registrar in many places. His testimony is that in his experience partition is very general. No. 293, aged 71, says partition was going on for very long time. No. 303, Registrar of Chittur, with 11 years' service, speaks to 20 partition deeds registered yearly. Nos. 304, 307, 310 say that in their locality there are very few families that are not divided. No. 312 gives a list of 45 divided families in Chittur tara, the parties dividing being mothers and children. 23 others sign this list. No. 322 says, "In my village there are only two tarawads not divided." No. 337, aged 75, speaks to partition being general. No. 345 says that there are no families in his locality not divided within the last 100 years. No. 349 says that almost all houses in his village are divided houses. No. 8 says that to his knowledge 60 partitions have taken place. No. 128 says that 100 partitions have taken place to his knowledge; that he has taken part in 10 cases.

I have already referred to the decision of the late Appeal Court A. S. Nq. 27 of 1045 dated 6th Mithunam 1046. The precedents cited there show that decrees to part have been given by the courts even before that. The Judges felt themselves unable to "depart from a course of practice which has been invariably recognised and uniformly acted upon and as such has obtained the force of law". Non-partition, as I have shown, insidiously crept into the courts in the wake of foreign Judges with foreign notions ignorant of the past usages of the country.

The objection that it will increase the expenses of the tarawad deserves no attention. Of course when one family splits up into ten, all these ten will have to maintain each a household. But the number of the inmates are lessened. Instead of discordant elements 'huddled' together in one huge camp' under the headship of a distant and unsympathetic and unloving karanavan, there are smaller groups of persons closely related to each other under the headship of a closer relative, who, it may be presumed, would naturally be more loving and sympathetic than the distant karanavan. There will be peace and comfort in the family. It tends to improve the properties allotted to each thavazhi by creating a separate as distinguished from a merely corporate interest. The divided thavazhies become sure of enjoying the fruits of their labour, and the 10 thavazhies to which a tarawad may divide itself may in time become ten substantial tarawads, which, in their turn may send forth other branches and thus multiply tarawads and strengthen the community.

We next come to the objection as to the supposed loss of prestige, credit, and dignity. To speak of the prestige, credit, and dignity of a family, the normal condition of which is one of perpetual discord and strife is indeed surprising. It has been observed with great truth that in an undivided tarawad "a karanavan has to control heterogeneous elements, to satisfy diverse interests and tastes, to reconcile hostile parties, to exact unwilling obedience, to yield to pressure, to face opposition", and it will be a relief to him to have a division. What credit, what prestige, what dignity can one expect then? Indeed in an ideal marumakkathayam family of the antique type, now extinct as the dodo, we may look for all these qualities. But its days are past, alas, never to return. For no legislation, no amount of pressure from outside can stem the tide of evolution and progress.

It must be admitted that there is some truth in the sixth objection. "A thavazhi is only a microcosm of a tarawad and the ills and evils present in the latter adhere to the former". The evils of the system exist in both alike, though in different degrees. Instead of a common tarawad with its autocratic ruler of a karanavan, thavazhi partition will create a number of tarawads, with as many karanavans wielding powers which are now generally not looked upon with favour. Hence the necessity for individual partition. Still thavazhi partition will narrow the circle of mischief and will be useful as an initial step. That tarawads will be ruined and there will be left only traces of their names is only an evil prognostication which has but little basis in the experience of the past. The evidence of the witnesses on the point is scarcely decisive. While some aver that parted families have not prospered, there are as many, if not more, who say that in their experience it is just the reverse.

Proceeding from the south towards the north, opposition to partition increases in volume till it culminates in the northernmost Taluk of Chittur. It is significant that this opposition to partition keeps pace with opposition to legalising marriage. In the Cochin-Kanayannur Taluk, out of 61 witnesses examined, there is only one, namely, V. V. W. No. 49, who is against partition, and he belongs to Oorakam. Here no witness opposes the legalising of marriages. In the Mukundapuram Taluk, out of 45 witnesses, there is only

one witness who seems to be opposed to partition, viz., V. V. W. No. 247. Here also no witness opposes the legalising of marriage. In the Cranganur Taluk, out of 29 witnesses, there are 4 against partition and only one against legalising of marriage. In the Trichur Taluk, out of 59 witnesses no one opposes partition, while there is only one against legalising marriage. In the Talapilly Taluk, out of 93 witnesses, there are 12 opposing partition, while 5 oppose the legalising of marriage. In the Chittur Taluk, out of 63 witnesses, there are 22 against partition, while 19 oppose the legalising of marriage.

A careful study of the evidence of these witnesses will disclose that there is but little opposition to the principle of partition and that the seeming opposition of a few is only sentimental and based on a desire to cling to the Shibboleth of *mamool*. Many of these witnesses speak to the desirability, if not the necessity, of partition, in special cases, either of the corpus of the tarawad property or of its income, e. g., V. V. W. Nos. 91, 131, 166, 247, 289, 326, 333 and those who follow him. Others opposing belong to divided families themselves and speak to partition being beneficial and very general in the country. For instance, V. V. W. No. 128. He knows of about 100 partitions and speaks to having taken part in 10. V. V. W. Nos. 143, 224, 233, 234, 294, and 326 and those who follow him, Nos. 334, 335, 336, 339, 340, 341, 345, belong to parted families, and some of them say that partition has done infinite good to them, and yet they oppose partition.

Then there are those who feel the necessity for partition but want to stick on to old time, usage and petrified custom. These would curtail the powers of the karanavan and make them innocuous for working evils. For example, V. V. W. Nos. 310, 314, I. W. 88, etc. There are others who would, if at all, have individual partition. Nos. 178, 333, I. W. XXII, etc.

We need not stop to examine in detail the evidence of the interrogatory witnesses, for they partake of the same nature of opposition as the viva voce witnesses. There are however some of them that call for notice, viz., I. W. 22, 24, 31, 65, etc.

I. W. XXII doubts of the advisability of individual or thavazhi partition 'at the present moment and would wait till the marriage Regulation has had its desired effect'. He thinks that the women generally will be at the mercy of the husbands. He however admits that there is a tendency for thavazhies to live separate, generally, after the death of the common mother. He adds that such separate residence does promote the peace of the families, but there is no tendency to improve the properties allotted as a result of creating a separate as distinguished from a merely corporate interest in the tarawad properties, *because of the doubt entertained by the thavazhi people with regard to the payment by the tarawad for such improvements.* That is exactly the point. Remove this doubt by creating a separate, as distinguished from a corporate, interest in the properties by means of partition, and this along with the admitted tendency to live separate and the peace that is secured in the family will certainly promote the material and moral interests of the community. See para 16 and answer to question XV. The witness adds in para XVII, page 55, 'If any such right of partition is to be granted at all at the present moment, it is better to give the right of partition by individual members instead of by thavazhies'.

In his answer to question XVIII, the witness is compelled to admit that 'the absence of the right to enforce partition does, no doubt, in certain cases, cause family dissension and litigation', but he adds, 'Generally it does not', a statement scarcely supported by an appreciable number of witnesses. For, while 302 witnesses affirm that the absence of such right does cause family dissension and litigation and seriously affects the prosperity of the tarawad, there are only 62 who say that it does not. The remedy suggested by the witness points to the necessity of partition. The despotic rule of the karanavan and the arbitrary powers he is now exercising is the common complaint of almost all the witnesses, and there is a distinct demand for the curtailment of his powers. The answers to questions under the heading of 'management' show that almost all the witnesses examined, of whom 177 are themselves karanavans, want them to be reduced to the position of mere managers. While the karanavans themselves come forward with a self-denying ordinance, it is a surprise to find this witness seriously proposing that, in all cases of family dissensions "if the common karanavan be allowed by means of an application to the court to set matters right, and if the court summarily disposes of that application in the way it deems just without any further right of appeal, dissensions will cease". Why this summary intervention of the court? The karanavan in possession of the sinews of war, and the helpless anandaravans heavily handicapped, there can be no question on which side victory will lie, and there is to be no appeal. The witness finally adds that "the court may even be empowered to give the anandaravan his separate share, should it think that it will be well in the interests of the tarawad to do so". So he finally capitulates and admits the principle of partition, and that of individual partition.

I. W. No. XXIV speaks with what, he says, is "a fairly long experience of people who enjoy the 'blessings' of the right of unrestricted partition". He has come to the conclusion

that "far from being an unmixed good as it is claimed to be, partition will bring in its train, undreamt-of evils without corresponding good". He does not vouchsafe to us what those evils are. One can very well understand his position from his joint answer to questions XXV to XXVIII. He says, "I would rather not interfere with the karanavan and his powers of management. The tarawad system is an ideal family system where mutual help and co-operation are present, where these are absent, a tarawad house is a hell. Its days are numbered. Legislative interference with the karanavan's management will drive every nine tarawads out of ten into the courts in no time. *Let the system be allowed to die a peaceful death, however slow*". He would, of course, give it a decent burial. He adds in a half cynical, or can it be in a jocose, strain, "Perhaps, 'Home Rule' and 'National Education', may give it fresh life as they are expected to revive all kinds of antediluvian customs". Yes, the tarawad is really an antediluvian institution. The witness is a retired statutory Civilian.

Almost all the witnesses examined by the Committee do not hesitate to condemn, as I have already observed, the karanavan's rule as unbearable. It is, as observed by such an ardent supporter of this 'antediluvian institution' as I. W. XCII, His Highness Prince Ravi Varmah, "a life-long autocracy". "Mutual help and co-operation" are the very things that are wanting in the present day tarawad. Such a tarawad house is, in the opinion of the witness, 'a hell', and where is the escape out of it unless it be by partition? On its portals will be found inscribed, as on the portals of Dante's Hades, "Leave all hope behind before you enter"; and what remedy does the witness prescribe? No physic, but slow and painful attrition and 'a peaceful death'. Oh! mamool, what powers of charm you possess! How effectively have you hypnotised the ground panjandrum itself!

I. W. No. XXXI is a plausibly well reasoned supporter of impartibility, and his arguments deserve consideration. He thinks that the preservation of the tarawads, even in their present form, is due to impartibility. He argues "that the tarawad properties are held by the karanavan for the time being in trust for the benefit of those who are born in the tarawad, now or hereafter. The fund has to be handed over to posterity. The present members of the tarawad have no right to break up the nucleus to the prejudice of the future ones". In this argument he has the support of the lady witness I. W. No. XLIII. The argument is very plausible, indeed, even seductive. Only it lacks substance. To take the family property as a trust fund, in the hands of the karanavan for the time being as mere administrator, trustee or manager for the benefit of the existing members and of those who are yet to be born, will be admirable. But is it so? Taking the tarawad property to be a trust fund, for argument's sake, what is the real position of the karanavan and the anandaravans with regard to that fund? Is the karanavan a trustee and the anandaravans beneficiaries? The karanavan has been frequently regarded as a trustee (2 Madras 331—2). But the analogy breaks down when we remember that he himself has a beneficial interest and that he is not bound to render an account of his stewardship (2 Madras 328). The Madras High Court has expressly ruled that the karanavan is not a mere trustee (2 Madras 328. See also 21 T. L. R. at page 250). The anandaravans have a proprietary interest in the common property along with the karanavan. (29 M. L. J. 632—1912 W. N. 386). The office of the karanavan is however one of a fiduciary character (2 Madras Journalist 117, 3 Madras 174). But this does not make him a trustee. He has been sometimes described as an agent or manager of the tarawad. Other analogies suggested are that he holds for some purposes the position of a tenant-in-tail; for others of a life tenant; for others that of a managing partner of a business concern, etc. "But probably the closest analogy", says Dr. Orusby, "is to the quasi patriarchal power of the managing member of an ordinary undivided Hindu family, though, here again, the points of difference are so obvious that it seems unnecessary to state them. The truth is that the office of karanavan bears no very close analogy to anything in those systems of law with which we are familiar and save for the purpose of illustrating some portion of a karanavan's rights and duties, these various terms, trustee, agent, manager, life tenant, and the like, are simply misleading".¹

The law of trusts, as it stands at present, cannot apply to tarawad properties. If the legislature is prepared to pass a special law declaring these properties as trust properties and the karanavan a managing trustee with the rights and powers of the anandaravans defined as beneficiaries, there can be no objection to tarawads being left impartible. But they would no longer be the old marumakkathayam joint families.

The other arguments of the witness have all been noticed before. It is interesting to note that the whole argument is wound up with the following passage in which the principle of partition for the peaceful and beneficial enjoyment of tarawad properties is fully admitted. "Allotment for maintenance of thavazhies with suitable provisions for readjustment will cure all the ills now complained of. Between individual partition and thavazhi partition, the latter is more acceptable and less prejudicial to the economic interests of the

community". I shall hereafter endeavour to show that such allotment as proposed here is economically unsound. The witness adds that "the clamour for partition is superficial and not shared by the generality of the people". This may be true of Travancore, for the witness is a Travancorean, writing from Trivandrum, though to judge from the Travancore Marumakkathayam Committee's Report, there is a large preponderance of evidence in favour of partition even there. The Report says, "The great majority of educated men and almost all of the ryot-witnesses who have had greater experience of the working of the present system (i. e. 88 per cent of the whole) are in favour of virtual or actual partition by thavazhies" (para 113). The position is exactly similar here, if not more favourable to the principle of partition.

I. W. XCII, His Highness Prince Ravi Varmah, is strongly opposed to the legal recognition of the right of partition. He thinks that the change would be 'catastrophic'.

A few of the more enlightened Princes of the Ruling house have been pleased at the invitation of the Committee to favour it with their opinions on matters referred to the Committee for enquiry, and the Committee feels as in duty bound extremely thankful to them. It has, however, to be remembered that too much reliance cannot be placed on their statement of facts, for they must perforce be speaking not from personal knowledge or experience but from information gathered from friends and dependants whose circle is necessarily limited. It is well known that their constant companions are the Nambudiries and these perhaps of the highest order who seldom mingle freely in Nair society. We may remember V. V. W. No. 352 telling us that there were no ceremonies or forms whatever observed at Nair sambandhams but was immediately pulled up by his companion, V. V. W. No. 363 who reminded him that being of the class of *Adhyans*, he could not have been present at Nair sambandhams. No. 352 at once confessed that he had never been to one, and his answer was based on hearsay. Within the strictly narrow circle in which those scions of the Ruling house move, they cannot be expected to know at first hand the customs of the Nair community and they have to rely for information on those who are removed only in a lesser degree from moving intimately in Nair homes. The opinions expressed by these Princes have therefore more of academic interest than of practical value.

The truth of this observation will be evident from the answers of interrogatory witness No. XCII to questions VIII (b), XI, XIII (a), (b), XVIII and XXV. In all these the witness refers to his *information* and not to his *knowledge* or his *experience*. That his *information* is not always correct is clear from his answer to question VIII (b), where he says that free dissolution of sambandham had once existed but does not exist now. That sambandhams are dissolved even now without assigning any reason and therefore free dissolution still exists may be gathered from the testimony of 222 witnesses. To question XIII (a) the Prince says that "when a tarawad consists of several thavazhies, there is no tendency for the thavazhi to reside in different houses". He adds that "there may be a few stray cases of such separate residence here and there, but they are so infinitesimal that one cannot draw from them the inference that there is a tendency for the thavazhies to reside in different houses". The evidence of the witnesses, however, is that there is a decided tendency towards separate living. 329 witnesses speak to this, while there is barely 25 who say that there is no such tendency. These witnesses indicate also the stage of descent at which such tendency begins to appear. 160 witnesses speak to the tendency appearing on the death of the common mother. One witness V. V. W. No. 312 gives a list of 45 families in Chittur tara alone, where mother and children have separated, and this list is signed by 23 others. 146 witnesses say that it may appear at any stage, while 44 say that it appears at the third stage. The Prince could not also have but noticed the tendency in such a large household as that of the Ruling house itself which is perhaps one of the biggest families in the State. Here if I am correctly informed, not only thavazhies live in separate houses but in some instances even mother and children. We read in the Cochin Census Report "that in most large families in the State the members generally dine together but live in two or more detached buildings" (para 19). But in the case of the Royal household not only is living and messing separate but the residences are separate and distinct palaces and not detached buildings. Here the custom as to the descent of self-acquisitions has been for a long time past to go by inheritance to the thavazhi of the acquirer on his death, the males taking the acquisitions of the males and the females those of females. I remember a prominent instance in which the palace belonging to a deceased prince was purchased by the Sirkar from the deceased's brother. The witness himself may remember it. I have already observed that the recognition of self-acquisitions by juniors as belonging to themselves personally as also of their descent on the acquirer's death to their own thavazhi, these are the precursors of partition and these have already been recognised. Such recognition must, in course of time, go to create numerous sub-tarawads in the main tarawad, and, as time goes on, the degree of relation between the main tarawad and the last sub-tarawad would be but little removed from no relation at all.

To question XVIII, the Prince answers "that any man who has the slightest acquaintance with Malabar must know that it is not the absence of the right to enforce partition that causes family dissensions and litigations or affects the prosperity of the tarawad". But 302 witnesses who may be presumed to have full acquaintance with tarawads, for they are all themselves members of these tarawads, say that it is the absence of the right to enforce partition that causes such mischief.

To question XX (c), the Prince answers that in Cochin, children do not often observe pollution at the death of their father or perform annual sradhas. "It is extremely rare", says the witness. But 321 witnesses answer the question in the affirmative. Of these, 186 qualify their answer by adding that the children do so if the father is a Nair. 135 give the general answer "yes".

The witness is of opinion that partition could not promote either moral or material welfare in any marumakkathayam family. I have already discussed at some length the arguments for and against partition, and I would leave it there. The Prince quotes from the opinion of Raja Manavedan Raja of Kottakal (retired District Judge) that "at present the tarawad is at the mercy of the karanavan. With a Partition Bill it would be at the mercy of the lawyer, and I would prefer a karanavan to a lawyer". The Prince remarks that, if the right of partition is granted, it "will throw the inexperienced and the unwary into the clutches of the lawyer and his tout—a calamity to be avoided".

Carlyle has somewhere cynically observed that the world is composed mostly of fools, and it was left to the witness to find out that "duffers and dunces formed the majority in most families". But I may point to many families in the State, some of them very prominent, that are no asylums, and one, the most prominent, that is certainly no asylum for 'duffers and dunces'. Where the tarawad is at the mercy of the karanavan, Raja Manavedan Raja would prefer the karanavan to the lawyer, but the Prince would have neither the one nor the other. He would fetter the hands of the plundering karanavan "with the autocracy of a life-time" so as to make him impotent for any practical purpose, (see witness's answers to questions under the head of 'management') and expose the 'duffers and dunces' that form the majority of the families, where the intelligent may not invariably be in evidence to the machinations of "unscrupulous harpies" and leave them "to wine and woman" to complete the work the lawyer had begun". What a pity that the Prince conveniently forgets the blundering judge who, in the plenitude of his wisdom and sense of equity and justice, gives the *coupe de grace* to the work begun by the lawyer and, pushed on by wine and woman, precipitates the decaying tarawads to ruin and destruction by substituting "the empty leech for the full one"! Or is it that he omits to mention the judicial functionary because he is reminded of the good old adage that "it is an ill bird that fouls its own nest"? While the Prince's conception of a lawyer is that of a harpy, it is interesting to note that the Hon'ble Mr. Kavalappara Moopil Nair's conception of a Vakil's duty or at any rate a Vakil's present day practice, "is to argue on or play within the courts". These be the Mentors that deign to advise the Darbar on the proposed legislation!

The Prince believes that if the rule of impartibility is removed, we shall not have to wait long to see the evil consequences of it. He adds that the young men will run through their fortunes in no time and we shall see in a couple of generations the richest and proudest families in the land reduced to the level of the poorest and the meanest. I have already combated the position taken up by the Prince in the earlier part of this argument elsewhere in this memo. As to the latter portion, I would like to ask, with the rule of impartibility, how many of the proudest and richest families of old have survived and continued to exist as such up to the present day? One travelling through the State will fail to find any of the old nobility surviving in its prestige, glory, and opulence, in spite of indissolubility. Where do the Naduvazhies, Desavazhies, and Sthanies of yore now stand? Most of them have broken up, and few, if any, still retain their former prosperity. They simply rest on the pleasant memories of the good old days.

Beginning with the Cochin-Kanayannur Taluk there is but the shadow of the past glory of the Cheranellur Kartha left. His estate has suffered considerably; and but for the timely extension of the Railway from Shoranur to Ernakulam which procured him a good round sum as value of his lands acquired for that purpose and thus enabled him to stave off the evil day. But for this God-send, he would have been ere this on the roll of the lost ones. He is but one of the Five Kaimals or Anjikaimals who held sway over Ernakulam and its vicinity. The other four are now nowhere. It would appear that the Cheranellur Karthas also have those who have community of pollution with them, showing that at one time or other there was partition in the family.

The Paliam remains with a pretty large household and its past greatness somewhat impaired; burdened with a debt which may be comparatively small—a mere fleabite—but its resources very much dried up. It is more than rumoured that internal harmony is

greatly at a discount. Paliam too has a distantly related family with community of pollution pointing to separation at one stage.

The Blavele Karthavus have burnt their candle at both ends, and theirs is now a distracted family divided into branches.

The Naicker-veetil family is divided into various branches and have lost their property and position. It was the place of this family that the Paliam had taken up as hereditary minister and commander-in chief of the Cochin Raja.

Of the Arunattil Prabhukkals, there remains only the Changaramkotha Kartha with some degree of affluence yet, though somewhat impaired. The family management is under a karar. V. V. W. No. 246, a member of the family, stands for allotment of properties for maintenance. The Patanayars such as of Ayyanazhi (not Ayyazhi or the Kavalappara Nairs) are in no better position. The Kotasseri family is divided and its estate is steeped to the hilt in debt. The Koratti family is also in this condition.

The Panamukkath Kaimal or Maliakkal Kartha's family is divided, its properties lost, and now is living upon the prestige of its old days.

It is well known that the Kelath family was in such great difficulties recently that it had to seek the aid of the Paliath Achen who managed the affairs of Kelath family till but lately. V. V. W. No. 146, Kelath Moopil Nair, is for allotment of properties to the thavazhies for maintenance.

The Kinattumkara Nairs (I. W. LXXII) and the Talapilly Chiefs are all not as prosperous as they were one before. The latter had long ago separated into a number of branches such as Chittanjoor, Chiralayam, Manaculam, Kumarapuram (I. W. LX) etc.

The Palliyath Nair, Parathikat Nair, Kunnatheri Karthas, Kotakara Nairs (V. V. W. Nos. 331 and 332) and some more who were before us as witnesses are all in a similar plight. Some of them have indeed a competence to live on. There are those who pay to the Sirkar an annual assessment of Rs. 10, Rs. 200 and so on. There are others whose assessments stand at a higher figure in the Settlement Register. But, as already observed, it has to be remembered that in this State the Patta always stands in the name of the Jenmi, though the lands are all outstanding on kanam and therefore heavily encumbered. All those named above are jenmies. Of these, the Paliath Nair's family lives in 4 or 5 branches under a common karanavan (V. V. 131,) Parathikat (V. V. W. 185), Kunnatheri (V. V. W. 276), and Kotasseri (V. V. W. 286) are divided. There are three branches with community of pollution attached to the Ruling Family, viz., Chazhur, Vellarapilly, and Natakka Kovilagam at Elangunnapuzha. They have no community of interest with the Ruling house. This has been so from time out of mind. The Paliath family had the Manakote family with community of pollution which became extinct recently. What does all this indicate? The rule of impartibility has not preserved many of the once "richest and the proudest families" in the State, let alone the ruling branch, from being reduced to the level of the poorest and the meanest". Not that all of them have gone down completely; at any rate, some at least, such as the Nellikat Nambidi, not to name many others, have gone down very low indeed.

When the Prince so vehemently opposes even the very idea of partition, individual or thavazhi, we must take it that it is for the welfare of the people that he is fighting so hard. But what do the people themselves, or at least those who have come forward as representing the community, say? The evidence of the witnesses examined by the Committee shows that, out of 400 and odd witnesses, 360 are in favour of the principle of separate living and enjoyment of properties or their income, there being only 66 against.

In another part of my memorandum, I have already shown how far partition has been popular in this State and how often it has been resorted to by the people as spoken to by the witnesses.

Forty-five witnesses suggest, in lieu of absolute partition, allotment for maintenance to thavazhies; some suggest with restrictions and some without. There are three ways in which such allotment may be made. (1) by giving annual or periodical doles of money or grain whether the allottees are able to work or not, (2) by making allotment of properties just enough for maintenance and (3) by dividing the property *per capita* and allotting it to several thavazhies according to the number of members in each thavazhi, reserving some for the karanavan, and restricting the branches from alienating the properties. All the three are economically objectionable and will not, in the main, meet with the desired result. The Travancore Report points out in para 108 that, with regard to the first, except when the allottees are unable to work, this arrangement is morally and economically objectionable. It encourages idleness, and, as the Committee points out, it has all the evils of communism, as it holds out no incentive to increase production by industry.¹ "It is one thing", says,

1. Sedgwick's Political Economy, 2nd Ed. pages 574 and 594.

Herbert Spencer, "to give to each an opportunity of acquiring the objects he desires, it is another and quite a different thing to give the objects themselves, no matter whether due endeavour has been made to obtain them. The one we have seen to be the primary law of the divine scheme; the other by interfering with the ordained connection between desire and gratification, shows its disagreement with that scheme".

The second sort of arrangement is still more bad, as the karanavan can at any time disturb it by resuming properties allotted for maintenance, as he has the power to do so even without replacing them by other properties.² The tenure on which the thavazhies hold is very precarious, and there is no inducement to improve them. The Travancore Report mentions two cases in which resumption was decreed though the allottees were in possession for half a century.³ The law here and in British Malabar is the same.

The third sort of division may be said to be more beneficial than the other two. Here again as remarked by the Travancore Committee, "there is not the stimulus to industry given by the sentiment of property". They quote the observation of Sedgwick that "there are inevitable disadvantages involved in a general separation of the ownership of land from the business of cultivating it"⁴. The restriction against alienation is practically ineffective. It is against general principles to restrict the use of property by persons who have a proprietary interest in it. In the course of the development of the Hindu law such restriction⁵ has become ineffectual. With regard to this kind of allotment, the Travancore Committee remarks that, in course of time, the allottees begin to encumber the lands and deal with them further, in spite of the restriction against alienation, and the only effect of such restriction against alienation will be to create a defect of title which will lower the market value of the property and must often act as a discouragement to the expenditure of capital on its improvement⁶. Some of our witnesses advocate this sort of restriction without, of course, realising its actual effect. Their suggestion, if accepted, would make the arrangement a virtual partition, though not so called, together with all the evils of a suspensive title. There is considerable force in the observation of the Travancore Committee that "at best, the third sort of allotment is a clumsy partition productive of much uncertainty of title to tarawad properties, loss of credit, speculative purchases and ruinous litigation. Morally and economically, therefore, even the third system of maintenance arrangements is injurious to the Nair community". That partition is preferred to allotment for maintenance is evident from the fact that, while the number of registered partition deeds have risen from 193 in the year 1083 to 301 in 1092, those of allotment for maintenance have risen only from 5 to 8 in those ten years.

Before closing the consideration of the objections against partition, I would draw the attention of the Darbar to "the statement of objects and reason" attached to the Hon'ble Mr. K. P. Raman Menon's Bills on Marriage and Partition as also to his memorandum on the revised Bills and to his speeches on the last in the Madras Legislative Council, in seeking permission to introduce the Bill. They contain a well reasoned argument as to the necessity of a change in the present system as also a thorough examination of the objections against introducing any new law of marriage and partition.

Of the 353, plus 92, i. e., 445 witnesses examined, both viva voce and by means of interrogatories, 359 (80.6 per cent of the whole) are in favour of virtual or actual partition; 64 witnesses are for individual partition; 45 are for the allotment for maintenance, 240 are for thavazhi partition, and 12 are of opinion that both individual and thavazhi partition are good. As against these, there are 63 witnesses who oppose partition. In my examination of the objections urged by these witnesses, I have endeavoured to show that most of them are not really opposed to the principles of partition, for they want either separate arrangements for maintenance with or without restrictions or the curtailment of the karanavan's powers of management. Almost all of them, in one way or other, admit the necessity of introducing measures for preventing the ruin of the tarawads. Thus one may with some degree of confidence assert that there is no real opposition against virtual partition or making such arrangements as would necessitate a thorough rehauling of the present system.

The numerous cases in which the tarawads have on their own accord separated as evidenced by witnesses and the yearly increasing number of partition deeds,—the number of registered partition deeds have risen from 193 in 1083 to 301 in 1092⁷—Nischaya

1. Spencer's Social Statistics, pages 149 and 150.

2. 92 M. L. J. 97.

3. XII T. L. B. 183 and XV T. L. B. 57.

4. Political Economy, page 481.

5. Mayne's Hindu law.

6. Mill's Political Economy, page 570.

7. I am afraid this does not correctly represent the number of partition deeds registered; for the Registration Office Index only enters such documents as are described on the face of them as partition deeds under the heading 'Partition'. We know as a matter of fact documents assume various forms such as *karars pseudo sale deeds*, etc., as the occasion and the exigencies of stamp value may require, which are really partition deeds, and these come in the Index under the head of *karars, settlement deeds*, etc.

patroms, and family karars (no returns of these have been obtained) as the result of continued and ruinous litigation, are certain indications of the consciousness of the community as to the direction in which its salvation is to be sought. Two circumstances are pointed out which, it is said, make it apparent that giving the right to sue for partition means nothing less than compelling in disguise the Nair tarawads to divide, no matter, whether such division would be advantageous to them or not. These are, first, the advantages of the joint system are realisable only by the reflecting, whereas the advantages of separation are such as strike all without even a moment's consideration. Besides, every man would like to become independent and the head of the family as early as he can. The ordinary action of human motives will therefore be sufficient to bring about separation in the vast majority of cases. Some even go to the length of saying that those who now grant the right of partition will have to repent later on. It is but small compliment to our brethren to say that they have not the capacity of reflecting or of knowing what is their own interests and what not. Certainly this is not the monopoly of a privileged few. Our people may be taken to have passed the stage of tutelege, and they may be given credit to have sufficient intelligence to judge for themselves and not to be carried away by impulses or by what strikes them at the first blush. Again, there is no stemming the tide of the ordinary action of human motives. No Mrs. Partington can mop back the Atlantic. Not even the legislature can stop it. It must have its natural course, and perhaps the present movement for reform is the result of it.

The second circumstance pointed out is that at present there is a strong influence leading men into the belief that partition is good, and sufficient time has not passed to convince people by experience that the belief is an erroneous one. This discounts a good deal the consciousness of the community as evidenced by the increasing number of partitions effected with or without written deeds of partitions and of increasing family karars and Nischayapatroms. The strong influence admitted to exist, leading the community itself, or at any rate, a large number of those composing it, into the belief that partition is good must, under the circumstances, be based on something more than a mere whim—a chimera. A large number of witnesses who have had experience of families in their joint and separated conditions have spoken to the advantages of partition. Among these are to be found even karanavans and anandaravans in management of tarawads who are perhaps the last to concede the principle. How long are we then to wait to take practical action as to the expressed wishes of the community? "Not yet" is the last rallying point of the "yesterday". Like the idle peasant, are we to wait and watch on the river side till the waters stop to flow? Even those of the witnesses who are not willing to go to the extent of outright partition wanted allotment of properties, under conditions which amounted to out-and-out separation—only that they, perhaps out of reverence or respect to long-standing sentiment, did not want to call it partition. A spade is a spade for all that. To obtain unanimity in a community is of course an impossible condition, and if we are to wait for it we shall have to wait till the days of the Greek kalends, and there will be no movement forward. Statistics collected will show that there has been sufficient time to gather experience, and the fact that 12 to 20 form the average strength of a normal tarawad, as evidenced by the latest census operations shows that the process of division has been going on ever so long. The fact, however, remains that there are several families in Cochin containing over a hundred members¹. Critic No. XV tells us that there are 150 members in his tarawad, and the records of A. S. No. 21 of 1088 on the file of the Chief Court shows that the tarawad in litigation had at the time more than that number. This is specially so in the Chittur Taluk. Yet it is curious that opposition to partition comes mostly from that Taluk, though V. V. W. No. 312, a voluntary witness has given us a list of 45 families in Chittur tara alone where mothers have divided from their children, and his statement is supported by twenty-three others. An examination of the statistics of the Munsiff's Court of Chittur and the District Court of Trichur will, I believe, disclose the fact that karanavasthanam suits and maintenance suits as also other tarawad litigation are on the average to be found more in the Chittur Taluk than elsewhere. The proximity to the British District of Malabar has no little influence in swaying the views of the inhabitants of the Chittur and Talapilly Taluks. The opposition to legalising sambandhams and conferring the right of partition seems to be strong in the Malabar District.

Even the strongest opponents to partition are obliged to admit that the existence and growth of a tendency to separate living and enjoyment of property are inherent in the very constitution of society. It is further admitted that the tendency to live in separate houses comes into play when joint living becomes inconvenient in the extent of accommodation provided by the common tarawad house, and according to the number of members that have to find a lodging therein. A multiplicity of other circumstances such as the unfairness, the selfishness, the partiality, indifference, recklessness, autocracy, etc., of the karanavan, the conduct and character of the junior members, and the machinations of outsiders allied with the family by marriage also influence resolutions to separate from the tarawad house. Interrogatory witness No. IV, a great opponent to all legislation in these

1. Cochin Census Report for 1911, para 19.

matters, points put, in his answer to question XXII (a) 1, the reasons for separate living as follows:—convenience and better comfort, fear of friction and rupture, remoteness of relations, and getting naturalised in another place by long residence along with the husband or for other reasons. In answer to question XVII, he says that partition "can be effected only if all the adult female members, or at least a large majority of them, and a majority of the adult males demand it. The dissenting minority must be given the option of joining with any of the parties in the partition". The evidence recorded shows that every one of the forces and circumstances set forth above have been in existence for a long time and are still at constant work in the tarawad. "Partition", says Mr. Mayne, "would begin to be desired when self-acquisitions become common and secure". That is also the opinion expressed by the great French sociologist, M. Ch. Laterneau, in his work on 'Property, Its origin and Development' in the Contemporary Science series. This consummation has been achieved long ago. The courts have in their anxiety latterly to adapt the ancient law to the existing conditions of social life and in the interests of progress of society ruled that the self-acquisitions of an individual member are at his absolute disposal during his lifetime and, what is more, that he can not only dispose them off by will but they would descend on his death to his thavazhi by way of inheritance. Thus powerful disintegrating factors have been already introduced into the so-called indissoluble family, and these have been working there for some time. That was but the thin end of the wedge. The doctrine of lapse, the strongest bulwark of the indissoluble family has been already undermined. What will this lead to? Before three or four generations are over, there will be as many groups of members of thavazhies as there are females with children, with separate properties and rights, and as generations roll by, the complexity will increase which must necessarily lead to partition, or there will be sub-tarawads *ad infinitum* with one common karanavan ruling, as Sir Charles Turner, late Chief Justice of Madras, once observed, as Governor-General at the head with Governors of Provinces, Commissioners of Divisions and Collectors of District in the persons of sub-karanavans; only the Governor-General will have no authority over the Governors, Divisional Commissioners, etc., and the Provinces, Divisions and Districts over which they hold their sway—a very undesirable prospect indeed. In the meantime, there will be no means of increasing the common tarawad properties which must remain stationary, subject of course to the chance of improvement, which under the circumstances will be very little, or deterioration of which the chances are great. For under the system, neither the karanavans nor the anandaravans are bound to augment the common estate or to work for that result. The common property will get into the hands of the common karanavan, who will be often many degrees removed from the large conglomeration of units and the smaller number of groups or thavazhies that go to make up the common tarawad. It will be too much to expect of the karanavan in these selfish prosaic days to use the common property in his hands for the benefit of all alike out of pure altruistic motives. The chances are that his own thavazhi will come in for a larger share of his attention than the rest. In the meantime, how could he forget his own wife and children, and then will follow the eternal bickerings, quarrels and ruinous litigations, the canker-worms that eat into the vitals of all marumakkathayam tarawads.

Before concluding this part of the subject, I would draw the particular attention of the Darbar to the observations of I. W. Nos. 21, 25 and 30. They are very pertinent, and I would have quoted them here *in extenso* but for the fear of prolonging this already long discussion. I. W. No. 21 is a convert to the idea of partition the necessity of which experience as a lawyer and as a karanavan himself has brought home to him. He is a native of this State practising in Travancore. Nine years ago when he was examined before the Marumakkathayam Committee in Travancore he was opposed to partition of any kind. Now he stands strong for individual partition (pages 49 and 50, answer to questions 10 to 18).

I. W. No. 33 is also a recent convert to thavazhi partition. He was against absolute partition when he was examined in Travancore; he could only recommend allotment of properties (Travancore Report, para 112). Now he thinks that the right to demand thavazhi partition would promote the moral and material interests of the community. The legal recognition of such a right, he adds, "is necessary for the material welfare of the society" (page 104). The witness is a native of Parakkatavu not far away from Chowera and Alwaye, and he may be expected to know something of the Nair society of this State, the more so that he has had his pre-collegiate education in the Ernakulam High School.

I. W. No. 30 is a native of Manjapara near Chowera, and his remarks are also very apposite. They will be found at pages 89 and 90 of the evidence.

I now turn to the evidence of I. W. No. 25, which I consider to be very important on the point. He is an outsider with no pre-conceived notions or prejudices, one who can speak with authority because of his long experience as a leading legal practitioner in this State as also in Malabar. He can view conditions of Nair society with an amount of

detachment which cannot be expected of others not similarly situated or circumstanced. In his answer to question 18, he says —

“Ninety per cent. of the family dissension and litigation is attributable to this cause and it has well-nigh ruined many an ancient family. During my pretty long career at the Bar, I have had professionally to deal with the affairs of almost all the important marumakkathayam families in British Malabar and Cochin and I speak with some sense of responsibility when I say that the marumakkathayam system of property has become an impracticable thing. The community lives amidst societies which are differently constituted. The members of the community have not been slow to take full advantage of the facility for travelling and frequent residence and intercourse outside the District. The education that is imparted is calculated as it is to generate a sense of individual rights and obligations perhaps to an extent undesirable. All these work as a canker upon the old family system and has entirely changed the angle of vision of individual and influential members of the community. The constant conflict that takes place between interest and duty has attained a development never thought of by the framers of the original system. The community has felt this evil for a long time and has from time to time devised means to check the inroad upon the system. It is no exaggeration to say that the remedies devised have only further complicated matters and served to foment strife, dissension and litigation”.

This answer I consider as decisive and agrees completely with the trend of evidence recorded by the Committee.

I may now refer to what I may call expert opinion on the question whether in the present state of circumstances partition is necessary or not. Before coming to the opinions themselves, it would be well to state the circumstances which led up to the expression of those opinions.

In para 148 of my Travancore Memo I have endeavoured to show what the law was in Cochin and Travancore before the rigid and cramping influences of the Madras High Court Rulings came to have their hold on the courts of these States. I have also shown there how the people in Travancore, at any rate, succeeded in circumventing the rulings of the courts and the theory of “a state of perpetual union” was rudely broken by voluntary separation amounting to out-and-out partition or allotment for maintenance. With regard to the latter, the courts were compelled to recognise them as absolute separation after some length of time under certain specified circumstances. The time limit, which was at first 50, had to be brought down to 40 and finally to 25. These decisions make it clear that force of circumstances and the desire of the community as expressed by unmistakable conduct compelled the courts to give up their untenable theory of “perpetual union”.

In a family such as that of Malabar, disintegration is inevitable. When the number of members in a tarawad becomes so large as to make living together any longer intolerable, the tarawad would split into thavazhies, each headed by a female, and, instead of crowding together under one roof, move off to branch houses and establish themselves there. If the branches are on good terms with the karanavan, an amicable arrangement is made by which separate allotments of properties are made for the support of the thavazhies so removing. This creates new conditions. The thavazhies acquire properties for themselves and openly or silently refuse to be governed by any one other than their own thavazhi karanavans. The common karanavan loses his hold on the new branch, and, as time passes on, the thavazhies become practically independent of the common tarawad and of each other. We have had ample evidence of this process from the witnesses examined. Some of the witnesses speak of gradual division into 20—30, even 40 branches and separate houses. These divisions were caused either by increase of numbers or by disunion among members. It is significant that the tarawads of the southern Taluks have a tendency to separate sooner than those of the north. But the amity existing between the various members of the families is perhaps in the same proportion as the tendency to separate. The separations however take place only after a world of litigation, civil and criminal, by which the property to be divided dwindles into almost vanishing point, leaving the various members to find for themselves the wherewithal to support themselves after separation. Mr. Justice Moore, in a note at page 16 of his “Malabar Law”, refers to a typical cause that came before the Madras High Court. “In a suit to remove a karanavan which came recently before the High Court, it was shown that there were two hundred members of the tarawad who lived in thirty separate houses. The karanavan whom the courts were asked to remove was a man of seventy-seven years of age who had not succeeded to his office till he was about seventy. The affairs of the tarawad were in great confusion, endless suits being from time to time filed against the karanavan by the rival branches for maintenance. It was scarcely possible any karanavan could restore order to the chaos shown to exist, but as all the members would not agree to division, all the courts could do was to remove the worn-out old man of seventy (perhaps the “full leech” of Mr. Justice Holloway) and put a man of sixty-three (perhaps “the empty one”) in his place. In the case of overgrown tarawads such as this, where there has been

endless litigation and internecine conflicts for years between the several thavazhies, *compulsory partition by a court decree is clearly the only remedy*" (A. S. 50 of 1901. Benson and Moore J. J.).

Mr. Justice Moore is decidedly of opinion that "it becomes every day more and more a question for consideration for the legislature to step in and afford the members of Malabar tarawads greater facilities for bringing about a division of the family property."¹ Dr. Ormsby, formerly a Judge of the Travancore High Court and a jurist of some eminence, recommended legislation thirty-four years ago². Mr. Justice Hunt of the same High Court thinks that "the only antidote to dissension is division and the courts have recognised this fact"³.

In this connection I would refer to the opinions of some more Judges also which, though not judicial pronouncements, are entitled to the greatest respect. In his minutes of opinion on the Malabar Partition Bill, Mr. Justice C. Sankaran Nair observes, "It was my intention after passing the Marriage Bill to introduce a Bill for partition. After the whole evidence was taken by the Malabar Marriage Commission, Sir T. Muthuswamy Iyer, the President of the Commission, had come to the conclusion which he expressed to me that it should be open to the majority of the members of a tarawad, at a meeting where all the adult members had an opportunity of expressing their views, to decide whether a partition was necessary or not. In his view such should have been declared to be the Marumakkathayam Law by the courts". Referring to the Bill then before the Legislative Council, Sir C. Sankaran Nair said, "With that reservation (viz, the provision relating to impartible tarawads such as that of the Zamorin and others), I do not see any harm in enacting a partition law" (G. O. No. 504, Public, 31st March 1915, page 133).

Diwan Bahadur A. Govinda Pillai, B. A. & B. L., retired Judge of the High Court of Travancore and President of the Travancore Marumakkathayam Committee (I. W. 10) has in the report of the Travancore Committee recommended the granting of the right of thavazhi partition, and he as witness here refers to his report (page 23).

(I. W. 13) Mr. A. Narayanan Nambiar, B. A. & B. L., Sub-Judge of Sivaganga, is of opinion that thavazhi partition is good (page 27).

(I. W. 26) Mr. K. V. Karunakara Menon, B. A. & B. L., Sub-Judge of Madura, observes that "a provision of allotment of properties for the separate residence and maintenance of thavazhi will promote, I think, the moral and material interest of the Nair community" (page 72).

(I. W. 27) Mr. Justice P. Narayana Menon, M. A. & B. L., of the Cochin Chief Court says, "As observed before, though logically the right to demand individual partition might be the most reasonable position to assume, and may probably be the ultimate goal of the present pronounced tendency for progress. I feel that I can only advocate now for the right, of thavazhi partition as the first substantial instalment of reasonable reform, on the principle of avoiding sudden change in the existing circumstances and violence to the feelings and sentiments of a considerable number of the members of the community—in short, of following the line of least resistance. There is also the probability that if this right is conceded, together with some reasonable check upon the wanton management of the tarawad property by karanavans, there will be a greater willingness to have the benefit of joint living and management as it may then be comparatively free from many of its existing evils. But at the same time I think that the right to thavazhi partition is the irreducible minimum which will meet the *insistent demand of the enlightened and educated portion of the community which may be taken to be representative of the opinion of the community in general in their true interests*. As to the nature of and restrictions to allowing such a right, I will accept as reasonable the provisions of the Draft Bill on the subject" (page 77).

(I. W. 33) Mr. K. Narayana Menon, B. A. & B. L., lately a District Judge and Diwan Peishkar in Travancore, now retired, observes that "the right to demand thavazhi partition would promote the moral and material interests of the community. The legal recognition of such a right is necessary for the material welfare of the society. The absence of the right does give rise to family dissensions generally", (page 104).

(I. W. 34) Mr. T. C. Krishna Menon, B. A. & B. L., retired Judge of the Chief Court of Cochin, says, "Recognition of thavazhi right to demand partition will be beneficial etc.
x x x The absence of the right does cause the harm mentioned" (page 105).

(I. W. 59) Mr. B. K. Raghavan Nambiar, B. A. & B. L., District Judge, Trichur, is of opinion that "it is enough for the present to recognise the right of thavazhies to get a compulsory partition of the family properties effected" (page 173).

1. Malabar Law, p. 16 note. 2. Outlines of Marumakkathayam Law Introduction, pages 16-18.
3. 22 T. L. R. at p. 206.

The late lamented Mr. K. Kochukrishna Marar, B. A. & B. L., a leading member of the Travancore High Court Bar, and afterwards a Judge of the High Court for some time, himself a Cochinite, in giving evidence before the Travancore Marumakkathayam Committee, expressed himself in favour of individual partition. He said, "To my mind the right to claim individual partition will alone give anything like adequate relief x x x. It may be considered that the disruption of the tarawad and the economic ruin of the country will be the consequences following from it. The fear is quite unfounded. I am a marumakkathayee in name as well as in reality, and by instinct and tradition, I am pledged to support the marumakkathayam system so long as there is any chance of that being done. Paradoxical as it may seem, my attempt is to introduce into it an element of reform which will divest it of its unnaturalness and allow it to survive in the struggle for existence. It is nothing but an application of the principle recognised as sound by experience, and adhered to in practice by British statesmen in maintaining their world-wide empire x x Give them the independence which is the food they live on, the breath of their nostril, and they not only allow the ties which attach them to their mother country to remain unbroken but love it, respect it and even feel proud of it. My proposal does not involve more than an assurance given to the anandaravan that, when the census of the tarawad comes to be taken, he will be counted as an integer and not a cypher as hitherto". (Travancore Marumakkathayam Committee's Report, page 63, para 116).

Mr. B. Kamaran Nair, retired Sub-Judge, observes, "If we look into the statistics of family dissensions and litigations, we may come to the conclusion that the origin of such ruinous litigation is to be found in the tarawad system when it ceases to be a simple family or ramifies into collaterals and thavazhies with conflicting interests. I know many important and wealthy families which have been ruined by a course of litigation. The most efficient remedy to root out the evil is disintegration of the unwieldy family into separate and independent families by partition".

Thus the weight of expert opinion is wholly in favour of the principle of partition, and as yet, I have not been able to come upon any single judicial officer of experience who has expressed his views against applying that principle to Malabar tarawads except in the person of Raja Manavedan Raja, B. A. (P. C. S.), retired Civil and Sessions Judge (I. W. 24, page 66).

As to the time when and the persons between whom division may take place, 160 witnesses would have division after the death of the common ancestress who, I suppose, will be the grand-mother. 68 witnesses would have it without restriction of degree. I think partition should not be delayed till after the death of the grand-mother or the uncle of both, but should be allowed to take place if called for on the sisters' children having children, provision being made for the grand-mothers and the uncles who may elect to live along with those with whom they like to live or go away with their share. To render the grant of right to partition by thavazhies useful and effective, I believe the adoption of such a course is necessary; see paras 177 to 182 of the Travancore Memo.

Time when and between whom division may be allowed.

It will be remembered that V. V. W. No. 312 has given a list of 45 families in Chitur tara alone where children have divided from the mother.

A careful analysis of the whole evidence placed before the Committee makes it clear that there is a preponderating desire in the community for a change in the present system and that on the lines of the Draft Bill more or less modified

In the light of the above observations, I accept the sections of the Committee's Draft on partition and the memorialists' sections may be replaced by these. The section corresponding to section 29 of the memorialists' Draft has been transferred to this chapter from the chapter on Inheritance.

I have already observed that 377 witnesses are for conceding the principle of partition. Of these, 149 are karanavans (the Interrogatory witnesses not being counted as it is not possible to know any particulars about them); 128 are anandaravans; of 20 we have have no information whether they are karanavans or anandaravans; 34 are karanavans in management of tarawads; 14 are anandaravans in management; 47 are landlords or cultivating tenants; 68 are public servants, of whom 29 are Vakils'; 74 are those attached to villages and panchayats; 52 are of ages between 50 and 60; 26 are from 60 to 70; six from 70 to 80. As to tax paying capacity, 80 pay tax to the amount of 0 to 100; 117 from 100 to 500; 24 from 500 to 1,000; 10 from 1,000 to 2,000; 1 from 2,000 to 3,000; 4 from 3,000 to 4,000; 3 from 4,000 to 5,000. Tested by their educational status, of graduates 7 are for allotment and 73 for out-and-out partition. A similar analysis of those who are against the principle of partition shows that 17 are karanavans, 9 anandaravans, 8 karanavans

Analysis of witnesses for and against partition.

in management, 2 are anandaravans in management, 9 are landlords and cultivators, 5 are public servants, 3 are Vakils, 4 are servants attached to villages and panchayats. 12 are of ages 50 to 60; 1 of 60 to 70; 1 of 70 to 80. Of tax-paying capacity 5 are 0 to 100; 20 from 100 to 500, 4 from 500 to 1,000. Tested by educational qualifications, 6 are graduates.

The witnesses.

Wide publicity was given throughout the State to the enquiries to be instituted by the Committee. Besides the notice published in the Sirkar Gazette of the fact of the enquiry, of the various centres where the Committee was going to sit, of the questions proposed by the Committee on which the witnesses were to be examined, information was given to the various villages through the village authorities who selected the witnesses to be summoned, and from a panel of those selected by the village authorities and passed by the Taluk authorities, the Committee made its choice. That the enquiry was known throughout the villages is spoken to by 35 witnesses. All the witnesses were not specially questioned about this as there was no reason to suspect that the fact of the enquiry was not known generally. Only these 35 were asked casually. A number of witnesses speak to meetings and consultations taking place in various parts of the State regarding the necessity for a change and the expediency of legislation on the lines of the Draft Bill. Answers to be given to the questions proposed by the Committee were determined upon at these meetings. I have already noticed some of these while referring to the resolutions passed at the meetings and the representations sent up by them. It is not possible, of course, to enter into the details of what the witnesses speak to with regard to these. However, I shall refer to some of them as being typical. V. V. W. No. 126, in his answer to question III, refers to people changing their partners according to their whims and slighting the marital tie. He wants this to be restricted and adds that it is very necessary for the advancement of the moral condition of the people. No. 127 also joins him. Nos. 120, 122, 123, 130, 133, 231 and others speak to having consulted others before giving their answers. No. 130 says, "Before writing down my answers, I have consulted many; a majority of those consulted is in favour of legislation". So also No. 135. No. 168 says, "that the general desire is for a change of the present system". No. 174 supports this view and speaks to a meeting held at Pazhayannur. No. 188 says, "that it is high time for the passing of a Regulation regarding marriage, inheritance and succession, managements of tarawads, etc., among the Nair community. The want of such a Regulation is doing much mischief in the community. The passing of such a Regulation will conduce to the material and moral prosperity of the community. The provisions of the draft bill are based on justice and equity". No. 193 observes that there should be legislation changing the present system. So also says No. 221. No. 223 is of opinion that the legalising of marriage will set everything right. No. 231 says, "I have consulted with many of my village. The general opinion is that the present system should be changed". So also Nos. 232 to 234.

No. 143 says, "I have been for the last five years practising at Palghat. I have discussed the proposed legislation with my friends there. They are all for some change in the present system. They are eagerly waiting for the result of the Cochin proposal for legislation, so that their way may be made easy for them for similar legislation". The witness is a Cochinite.

With regard to the status and qualification of the witnesses, I may observe that in all 445 witnesses were examined, 353 viva voce and 92 by means of interrogatories. Of these, seven are Travancoreans, twenty are British men. Eleven are Nambudiries. Five are Pattars or East Coast Brahmans. Nine are Kshatriyas inclusive of Critic IV. Four are Ambalavasies. Three are Samanthas. Fifteen are ladies. 80 are graduates or Masters in Arts, Graduates in law, and Graduates or Licentiates in medicine. 175 are karavans 148 are anandaravans. 27 unspecified. By profession 162 are public servants including Vakils and school masters. 71 are managers of families. 18 are in private service. 25 are classed as following miscellaneous professions of whom 3 are editors and publishers, 2 are traders, 7 belonging to the medical profession and 1 a Hundi merchant.

The witnesses are fairly representative of the various interests in the State. As to the publicity given to the enquiry, the fact was notified in the Sirkar Gazette, and voluntary witnesses were invited to assist the Committee. About 15 volunteered in response to this, mostly from the Chittur Taluk. The witnesses were chosen with regard to the tax they paid and their educational and other qualifications. The Tahsildars, at the request of the Committee, sent up a list prepared by the village authorities, from which a selection was made of witnesses to whom the questions prepared by the Committee were sent previous to their being examined. 55 per cent. of the witnesses invited responded to our call.

Some meetings appear to have been held within and outside the State to consider the answers to the questions proposed by the Committee as also to discuss the propriety of the Bill and its provisions. These were (1) at Ernakulam where the citizens of the place met and discussed the answers and presented a joint answer paper signed by a choice few, among whom are some of the leading men of the place. (See V. V. W. 1, 26, 53, 57, 18, 20, 21, 54, 46) (2). The inhabitants of Elankunnappuzha and the neighbouring villages met at Thottupurath Narayana Panikar's house. These have presented a joint answer signed by about 20 representative men (V. V. W. 8). (3) The Trichur people have presented a joint answer signed by about 53 persons representative of the community (V. V. W. 61, V. V. W. Nos. 68, 69, 70 refer to the meeting of the Trichur citizens). (4) There was a meeting held at Chelakara V. V. Nos. 167—170 were present there.

Public meetings, meetings of associations, criticisms, etc.

(5) V. V. W. Nos. 220 to 229 as well as other witnesses speak of the meeting held by the Nair community of Cranganur at their assembly of *ഏകദശം കോടി* i. e., "thousand less by one" where the questions were discussed.

(6) V. V. W. No. 246 speaks of the meeting of the Thottipal Karayogam. Criticism 82 is resolution passed there.

(7) W. No. 247 is Secretary of the Perumanam Karayogam. Criticism No. 17 is the resolution adopted there.

(8) V. V. W. No. 320 speaks to a meeting in the High School at Nemmara.

(9) V. V. W. No. 330, Secretary of the Nemmara Nair Samajam, produces the resolutions adopted at a meeting of the samajam.

(10) V. V. W. No. 17 speaks to a meeting of the Tripunithurah "Yuvajena Samajam" at which the Committee's questions were discussed. The answers adopted are produced.

(11) Voluntary answer IV is the answer to the questions adopted by a meeting of the "Tripunithura Gosree Vilasam Sabha".

(12) Criticism No. 3 proceeds from the Nambudiri Mahayogam which is said to have met and adopted resolution in the Shukapuram Gramam temple in British Malabar.

(13) Criticism No. 6 is a memorandum forwarded by a gathering of persons at Tripunithurah, who seem to have met and discussed the questions.

(14) Criticism No. 8 is a representation by 168 persons who describe themselves as the Mahajanam of Tripunithurah.

(15) No. 12 is a resolution passed at a meeting of the Kerala Jenmi Sabha.

(16) No. 13 is a resolution adopted by the Thottara Nambudiri Yogakshema Upasabha.

(17) V. V. W. No. 174 speaks of a meeting held at Pazhayannur, where resolutions were unanimously agreed to in favour of the Bill. No. 130 was present.

(18) V. V. W. No. 212 refers to a meeting held at Thiruvilwamala when both karanavans and anandaravans were present on 30th Dhanu 1093. The questions were discussed and answers agreed to. There was a large gathering. The karanavans have signed the joint answer as representatives and the answer paper is produced.

(19) V. V. W. No. 222 says that the Karayogam of his village met and discussed. The answers given by him had been agreed to there.

Of the above joint answers, resolutions and representations, item 6 embodies the resolution passed at the meeting of the Thottipal Karayogam (I. W. 82), page 231. Item 7 refers to the resolution of the Perumanam Karayogam, which is Criticism No. 17. Item 15 refers to the resolution passed by the Kerala Jenmi Sabha which is Criticism No. 12. All these are opposed to (a) the legalising of marriage, (b) inheritance, and (c) to partition. They seem to be inspired by witness No. 246, one of the richest Nair jenmies in the State, paying a tax of Rs. 4,000 to the Sirkar, who seems to wield considerable influence in the central parts of the State. He speaks of the passing of the resolution embodying the answers of the Thottipal Karayogam to the Interrogatories. I. W. No. 82, the Secretary of the Thottipal Karayogam, produces the statement containing the answers. V. V. W. No. 246 speaks also to the resolutions of the Perumanam Karayogam. It will be seen from Criticism No. 17, that he proposed the resolution requesting the Darbar to "throw out" the proposed Bill. He seems to have been the inspirer of item 7, resolution of the Kerala Jenmi Sabha, Criticism No. 12. I may say here a few words about the constitution of the two latter. Of the Thottipal Karayogam, we have no information, as no member of

the Karayogam has come forward to depose, and the Secretary simply presented the statement containing the yogam's answers to the Interrogatories. V. V. W. Nos. 108 and 109 give us some information regarding the Perumanam Karayogam. No. 108 says that there are about 40 members in the yogam. The members are all not Nairs. There are other castemen also. No. 109 tells us that he was "present at the meeting of the Karayogam at which the Draft Bill was discussed, which was presided over by His Highness Kochunni Thampuran. The yogam was started and is being maintained by Kunnathur Bhattathiripad, a rich and influential Nambudiri jenmi of the locality. The members are mostly younger members of their families. Almost half the members are tenants of the above-said jenmi. But for him it would not have been started, neither would it continue to exist. The Secretary of the yogam is a dependant of the jenmi". Witness No. 246 and Paliath Cheria Kunjunni Achen were to be the speakers at the meeting. The above said Nambudiri jenmi is the witness's brother-in-law. Criticism No. 17 requests the Darbar to consult "the recently published opinions on this of public men like the Hon'ble Kavalapara Moopil Nair avergal and M. R. Ry., Paliath Cheria Kunjunni Achen, Avergal".

Of these later on. Witness No. 247 is the Secretary of the Perumanam Karayogam who has produced the answers adopted at a meeting held on the 6th of Kumbham (1093). He describes the Karayogam as being composed of 64 members, each house being represented by one member of the house. More members of a house than one are also in the yogam. "I am not one of the 64 members. At the meeting at which these questions were discussed, 50 members were present. The majority were karanavans. The meeting of the 6th Kumbham was *not* called to discuss this subject. When the meeting assembled for other purposes, this subject was also considered. Kumaran Moothathu presided. The members belong to various castes from Nambudiries to Nairs. These answers were recorded before the meeting dispersed. No reference was made to any other answer papers. Krishnag Karthavu (witness No. 246) was not present at the meeting of the 6th Kumbham. Bhattathiri (the permanent President) is a jenmi of importance and influence in the locality. A third of the Nair members of the yogam are his tenants".

Taking the testimony of witnesses Nos. 108, 109 and 247 together, it may safely be said that the karayogam is the creature of the Nambudiri Jenmi President and that the members can claim very little independence of opinion. That the Nambudiri community is, as a body, opposed to the Bill, goes without saying, and it is no surprise that, between His Highness Kochunni Thampuran, Kunnathoor Bhattathiri, Paliath Cheria Kunjunni Achen, Kavalapara Moopil Nair, and Changaramkotha Krishnan Karthavu, the Perumanam Karayogam, composed of the tenants and dependants of some of these, can scarcely be expected to have views independent of the aristocracy and the priesthood, the repositories and champions of effete *mamool*.

We next come to the Kerala Jenmi Sabha's resolution, Criticism No. 12. The Kerala Jenmi Sabha is composed of the Nambudiri jenmies of Kerala, with a sprinkling of the representatives of the few Nair jenmies of Malabar. Criticism No. 12 shows that the Sabha shrewdly put forward two Nair jenmies to propose and second their resolution, the Nambudiri jenmies simply voting for it. Of these, the seconder is witness No. 246, a representative of one of the നാടുവാഴികൾ who were Naduvazhies at one time, and the proposer, the representative of another Naduvazhi house in British Malabar, who has not come forward as a witness though invited. The Sabha represents the ancient jenmies and and Naduvazhies, and it would be strange to expect any other opinion from them.

Witness No. 246, the inspirer of the Thottipal and Perumanam Karayogams and the seconder of the Resolution of the Kerala Jenmi Sabha, forwarded us his answers to the questions proposed by the Committee, and the statement embodying them will be found appended to his deposition. In his statement he did not oppose the legalising of marriage, but he was clearly opposed to partition and inheritance, (see answers to questions 3, 16 and 22 (b), also his amendment of section 24), though in his general remarks he makes the observation that, while he is opposed to any law breaking the underlying principles of marumakkathayam, it is his strong and decided opinion that it is necessary to pass a law which would (1) enable the wife and minor children of a husband who has died without having the opportunity to provide for their future maintenance to get such maintenance from his self-acquisitions, (2) which will give the anandaravans the right to enjoy a portion of the net income of the family, (3) which would regulate the management of the family and provide a means of safeguarding and rectifying maladministration therein easily and within reasonable cost. And yet he thought it right to propose at the Perumanam Karayogam meeting of the 7th Edavam 1092 (20th May 1917) (Criticism No. 17), a resolution requesting the Darbar to "throw out" the proposed Bill which provides for all or most of the above, because, if passed, he thinks, "it would increase unnecessary legal troubles in the Nair society, and would destroy all sense of co-operation, break down that joint family system which has maintained the special name of Kerala, and raise several other difficulties in the society".

Again on the 10th of July 1916, the witness had for similar reasons supported the resolution proposed by Blahayil Kandunny Nair in the Kerala Jenmi Sabha recommending to the Darbar "the rejection of the proposed Bill" as being "destructive to the Nair community and subversive of the principles of Marumakkathayam Law". See Criticism No. 12.

The witness was invited to explain to the Committee personally his statement of the 26th Makaram 1093. He was good enough to respond to the invitation, and in his answers to the questions put by the Committee, he said that it was necessary to legalise sambandham and that it would be well, where there are many thavazhies and there are disputes and quarrels in them, to allow partition. By partition the witness said he meant either the division of the net income or allotment of properties for maintenance calculated *per capita* with restraint against alienation. The management of witness's tarawad itself is regulated by a family karar. It will be found from a comparison from his various statements that they cannot all well tally together and that in its essence the draft bill receives his virtual support.

We have found that the Perumanom Karayogam resolution invites the attention of the Darbar to a recent publication of Paliath Cheria Kunjunni Achen. It is a review of the Draft Bill with suggestions for amendments to the various sections. The writer seems to have taken considerable pains over it and have dived into Sastric lore to find a Sastric origin for the marumakkathayam system. As well could he have striven to extract sunbeams out of cucumber or search for a pin in a stack of hay. The pin may be there or not. Anyhow the game is not worth the candle. The assiduity with which he has made the attempt did indeed deserve better success. But it was an impossibility that he had attempted. He purports to find in *പുത്രീകാരണം* what is akin to or the *സുപുത്രാരണം* marriage of the Nambudiries when an only daughter of a family about to become extinct, who is without a brother, is given in marriage to one who raises issue to inherit to their maternal grandfather and perform his *sradha*. It is the case of the appointed daughter under ancient Hindu law, more or less (See Mayne pages 88 and 89). Here the daughter's son succeeds not to his mother's brother as in Marumakkathayam Law but to the mother's father, and no amount of ingenuity can discover any analogy between the two. Hence my view that the author has not succeeded in finding a sastric basis for marumakkathayam. The evolution of society through its various stages is to be found recorded in history and not in the Smrithies. Apart from this striving after the impossible, the author of the pamphlet has thoroughly sifted the points in question from various aspects and has given us the benefit of his conclusions. They are :—

The pamphlet of Paliath Cheria Kunjunni Achen being a review of the memorialists' Draft Bill.

(1) That marriages should be legalised. The most acceptable form would be the adoption of the Kettu kallyanam in preference to the sambandham (see pages 28, 30 and 31).

(2) That it is well that Brahman sambandhams should be retained and not put a stop to *at once*, out of respect to the sentiments of many of the aristocracy. (page 32).

(3) That the age of marriage should be fixed at 18 for females and 25 for males, for it is in consonance with the Dharma Sastras, medical science, and nature, and because it will obviate the necessity of the interference of the guardians in the case of minors. The evil effects of such interference being (a) the promotion of infant marriage with a view to avoid the probability of inter-divisional marriages, (b) the payment of varasulka (bride money), and the destruction of happy domestic life by the union of ill-assorted couples. (page 32 to 37).

(4) That divorce should be effected through panchayats of castemen (page 46).

(5) That the wife and children should be maintained by the husband and father from self-acquisitions (page 48).

(6) That the guardianship should be vested both in the father and in the karavan.

(7) That partition should not be allowed because it is against the principles of marumakkathayam and destructive of joint family system.

(8) That Nair sons should not be allowed to inherit the self-acquisitions of their father because, according to the Sastras and Smrithies, inheritance depends upon the capacity to offer Pindas to the Pithru of the deceased and as under the marumakkathayam system the nephew has the capacity and not the son. The son cannot claim inheritance of the father's properties.

These are his main conclusions, and he has laboured very much to arrive at the last two, wherein alone he differs from the Draft Bill. So far as the question of partition is concerned, I need hardly say anything more to show the incorrectness of his position.

According to him the benefits of impartibility are:—

(1) The comparatively greater wealth of Malabar. This is purely imaginary. It is their personal cleanliness and inexpensive habits of life that gives the Nairs an outer varnish of opulence. But one has to realise that "all that glitter is not gold" contra page 65 G. O. No. 504 paper XIV para 3. (2) The greater staying power of the Malayalees. There have been fortunately no famines in the history of Malabar as in other parts of India and therefore their greater staying power has yet to be tested. We are now unfortunately in sight of a famine and even the middle classes have begun to feel the pinch and to show signs of collapse. What then of the already poverty-stricken? so much for our boasted staying power. Anyhow we find more Nair beggars going about loafing now than before. (3) The rich and the poor alike have their own houses, gardens, and fields which they cultivate and live a life of ease and plenty. The wealthy jenmi may contemplate all this sitting at ease far and away from the madding crowd's ignoble strife, but stern facts contradict the observation. Of course, those who live in their own houses and have gardens, fields, etc., have them. But they are the poor tenants who live on the rich jenmy's lands and cultivate them at rack rent. (4) Brotherhood, humanitarianism. It is said that the rule of the just karanavan inspired steadiness in the juniors. Brotherhood is inspired by association with the other members and life under the guidance of the karanavan. Our author has himself demonstrated that the just karanavan inspired by altruistic principles is at present an extinct animal (see pages 83 to 87). How brotherhood could be attained, in the midst of discordant and warring elements, 'huddled together in a huge camp', very often distantly related, and under the rule of a karanavan removed by several degrees from the constituent members, is certainly an enigma, though the writer speaks of discordant elements uniting here—an utter impossibility. The hot bed of quarrels can seldom be the school for humanitarianism. (5) United efforts and co-operation. Collective wealth promotes enterprise, etc. He quotes the saying 'united we stand, divided we fall'—a truism which will serve very well as a copy-slip maxim, a counsel of perfection. But are we united? Under the circumstance, is union possible? Co-operation predicates liberty of action, independence, interest, cohesion etc.; are these to be found in the present tarawad? Liberty and independence we have not. As we cannot enjoy the fruits of our labour, interest we cannot expect. There are more repellent conditions in a tarawad than cohesive. I remember a former Diwan of Cochin, an East Coast Brahman, contemptuously derisively remarking that Nairs are like *Phyllanthus Embelica*. If you place the fruits on a plank they roll down and each one takes its own course in a second. How true!

The fact is that in a joint family of the Malabar type there is no scope for its development. Within its fold there is no liberty, no freedom. There, no man or woman is born free; no one grows free; no one dies free.

The following dictum of President Wilson may be aptly quoted here, "Thoughts of sympathy come only when men are free; only when they are free are they materially helpful; only when they are free, do they realise their dependence upon one another and their comradeship in common interest and common necessity".

With regard to his conclusion on the question of inheritance, he seems to have altogether ignored the doctrine of the Mithakshara that propinquity in blood relationship and not capacity to offer Pindas forms the basis of inheritance. The latter is the doctrine of the Bengal school of Jemeeta Vahana, while the doctrine of the Mitakshara is the controlling authority in Southern India (See Mayne's Hindu Law, Chapter XVI, page 672, 6th Ed.).

The author is of opinion that it is unSastraic for the wife to inherit the property of the husband, and he bases his opinion on the text of Manu, Chapter II, verse 66 which, however, says nothing of the kind. What is ordained there is that for girls *jata karmam* and other ceremonies should be performed in time to purify the body without *vedic manthras*, but with *thanthras*. The author's argument is as women are not entitled to perform ceremonies with recital of *manthras* they are not entitled to inheritance also. What then with the Sudras who are in the same predicament. In offering Pindas, the Sudras are prohibited from repeating manthras.

മതം ഉച്ചരിയാതെ ശ്രാദ്ധവു കൂട്ടീടണം,
തത്രവു കാട്ടീടണം അനുരാജനിക്കൊ,

So ordains the Malayalam translation of Santhi Parvam of the Mahabharatha. So the Sudras as a class or caste would be deprived of the inheritance to any of their ancestors. Our author forgets the decision of the Privy Council in the Sivaganga case that, in an undivided Hindu family, the wife inherits the husband's self-acquired property. He could see the equity and justice of burdening the husband and father with the maintenance of the

wife and minor children during his life-time, and he righteously points out that it is the absence of such a provision of law that has caused considerable pain and mischief in Nair society (page 48). He adds that, even if the wife and children are not given rights of inheritance to the self-acquisitions of the husband and father, the grant of the right of maintenance would be a great blessing. It is but the common usage all over the world. And yet if the father happens to die without making provision for the future maintenance of his wife and children, he would not allow them to inherit any portion of the father's self-acquisition designed mainly for the purpose of their future maintenance and would rather see them die of starvation, for they, according to him, have no right to offer Pindas to the father's *Pithru*.

Though dead against the partition of Nair tarawads, our author is conscious of their present parlous condition and tries to find a means of escape by controlling the powers of the karanavan. He is confident that "it is the rule of the ignorant, roguish, crafty, and selfish karanavan of many a tarawad, under the constant ill-advise and the nightly curtain lectures of their crafty scheming wives, that has brought the tarawads into their present perilous condition". "It is this", says he, "that has brought the excellent system of marumakkathayam into disrepute, and when the many excellences of the system began to fade under the misrule of such karanavans, the anandaravans set about reviling them. It is the present materialistic and non-rational system of education and the undue preference given to foreigners and their institutions that impel them to do so. What is wanted therefore is provision to curb the selfish and crafty conduct of the karanavans. Any legislation is wanted only in this direction" (pages 83 to 86). He is therefore in complete accord with the provisions of sections 31 to 42 of Part VIII of the Draft Bill. If at all, he will tighten the stringency of the provisions therein (see his remarks on Part VIII, page 190). He has no qualms of conscience to advise the dethronement of the archaic karanavan from his high pedestal. Nothing like experience in this world!

From the above resume of the pamphlet it becomes clear that the Achen does not support the views of the Perumanam Karayogam. With regard to the question of partition alone is he with the yogam, and the edge of his argument against partition is blunted by his attitude against the karanavans generally and the admitted necessity of legislative interference.

Of the criticisms rejecting the provisions of the Draft Bill, items 12, 14 and 16 remain to be noticed. These are marked as criticism Nos. VI, VIII and XIII. Criticism Nos. VI and XIII are from the Shukapuram Nambudiri yogam in British Malabar and the Thottara Nambudiri Yogam Upasabha of Tripunithurah. It is hardly necessary to notice them at any length. I have only to draw the attention of the Darbar to the apt remarks of criticism No. XVI found at page 35. That criticism is by V. V. W. No. 143 himself, the son of that well known Sanskrit scholar Mahamahopadhyaya, Killimangalath Naduvath Vasudevan Narayanan Namburipad, who had him educated till he took his B. L. degree of the Madras University. The critic observes addressing the Diwan, "You, sir, must have already received some protests from some Nambudiri jenmies on this question. Although the two communities, Nairs and Nambudiries, are in many ways attached to each other, this unreasonably large claim now advanced by the Nambudiries to veto the legislation that has such an overwhelming support from the community directly affected, cannot be heard for a moment; and it comes with the utmost bad grace when it is remembered that it was only a few months back that the Nambudiries resolved at their last conference at Olappamanna Mana, that it was a sin to take Nair wives and that they should henceforth marry only within their caste. No Nair gentlemen seem to have made any protest against this resolution. How it is then that their courtesy in that respect is not reciprocated? Nor does this Regulation go at all to the extent of excluding Nambudiries from marrying Nair ladies. What is it that the Nambudiries then really want? They want unrestricted freedom to deal with Nair women until they (the Nambudiries) are advanced enough to exercise and limit their choice within their own fold in keeping with the resolution they have already passed, that is, Nairs should wait and stagnate until the Nambudiries are advanced enough to discard them. Is this a position that any Government can, for a moment, help to attain? And so far as I have been able to gather, there is no opposition among the Nambudiries as a whole. I have had opportunities to consult many eminent Nambudiri gentlemen, and as long as their properties are left intact and do not descend to their (Nair) wife and children, they are not at all opposed to any enactment on the proposed lines".

Other criticisms.

The Sukapuram meeting and the Thottara Upasabha were requested to send representatives to the Committee, which they have however failed to do. The right of outsiders, whether Nambudiries or other castemen, to interfere with the Nair community of this State is not admitted. Mr. Mannarghat-Moopil Nair, I. W. No. 6, in his letter to

the Collector of Malabar on the Hon'ble Mr. K. P. Raman Menon's Bills observes, "The opposition from Brahmans in regard to the passing of the Marriage Bill into law is mostly due to their selfishness. They are not entitled to be heard in a measure calculated to reform, a community separate and distinct from that of theirs. If they do not like this reform, they are free to have their own way. I do not think for a moment that Government will, on the grounds of their opposition, ever compel us, by refusing the reform sought for by these Bills, to be in our primitive state even now" (page 200, G. O. No. 504).

The truth of Mr. Moopil Nair's observation regarding the selfish character of the Brahman opposition will be found well illustrated by what Raja Manavedan Raja says in his communication to the Collector of Malabar regarding these Bills. The Raja says at page 191 of G. O. 404, "where the parties to a Sambandham belong to different castes, instances are numerous of the woman being neglected by the man. Their children, if any, have some protection under the Criminal Procedure Code. The woman herself is helpless. That instances of this kind are numerous can, I have no doubt, be easily verified. *In fact I can cite instances of Nambudiries, men of means, but of no education asking me if it would not be possible to persuade the Government to amend the Criminal Procedure Code with a view to exclude them as a class from the operation of the provisions relating to maintenance*".

As to the arguments adduced in criticisms Nos. VI and XIII, all of them have been considered elsewhere in this memo.

Criticism No. VIII is a representation by the so-called Mahajanam of Tripunithurah signed by 168 persons, not one of whom, however, is a Nair. I have already referred to this criticism while discussing the question of marriage. Of the signatories, Nos. 2 and 34 have been examined as V. V. W. Nos. 352 and 353, and a representation made by 5 Nambudiries amongst whom these two are included will be found appended to the deposition of witness No. 352. It would appear from this statement that they object only to out-right partition and are not averse to division of income or allotment of properties calculated *per capita* with restriction against alienation. But what right has the Nambudiries to interfere with the property system of the Nairs?

Impartible
tarawads.

Malabar tarawads are in their original form reckoned indissoluble and in a "state of perpetual union", and, therefore, it has hitherto been held that the presumption is always in favour of impartibility. It has however been shown that at one period custom had abrogated the archaic theory of impartibility in this State and that courts of the State had not even half a century ago given decrees for partition, execution whereof was taken within the last 20 or 30 years. The presumption of impartibility had therefore not a continued existence in this State.

It was so in British Malabar also. The Judges of the Provincial Court in their Circular Proceedings dated 8th May 1810, observed with regard to partitions, "Any other application, therefore, for any such division or any individual share should be received with much circumspection *and no one unless he be either the representative or a co-representative of a branch of the family should be considered as entitled to demand such a partition*".

The circular points out that opposition to partition proceeded from the Nambudiries, for the Judges say that "it is necessary to observe that the Nambudiries examined as above seem to admit with reluctance the possibility of the occurrence of any circumstance that should call for a partition of family property". It becomes therefore clear that the present system of impartibility is opposed to ancient custom and is the result of judge-made law in British Malabar also which began only about the year 1813 or so.

Recent rulings of the Madras High Court have laid down the principle that the members of a tarawad are *joint owners* of the tarawad property, and it has been held by the Calcutta High Court on general principles that, "As a general rule, every joint owner of the property should be held entitled to obtain partition or in other words to be placed in a position to enjoy his own rights separately and without interruption or interference by his co-sharers. It is *against good sense if not against good morals*, as the Roman Law viewed it, to compel joint owners to hold a thing in common since it would not fail to occasion strife and disagreement among them". Partition is therefore the natural state of things. It may perhaps be argued that in Malabar it is otherwise. But fundamental principles cannot vary with localities, and the passages already quoted from the circular of the Provincial Court and the judgment of the late Appeal Court of Cochin show that in Malabar also the principle enunciated above had been accepted and has only recently been abrogated.

The evidence before us is that a large majority of witnesses desire partition in general and a majority of them is in favour of thavazhi partition. It will be well under the circum-

stances to adopt the principle of partibility and throw on those who desire to continue to live joint the desirability of registering their tarawads as impartible tarawads within a prescribed period after the passing of this Regulation. The Committee's sections may be accepted. They are a sop to Cerberus.

Our object in introducing the subject of adoption is simply to make the new Regulation self-contained and complete in itself with all that concerns the personal law of the Nairs. The Draft Bill as now proposed would deal with the subjects of marriage, maintenance and guardianship, inheritance and succession, testate and intestate, tarawad management including the rights and duties of the karanavan and the anandaravans, and partition with supplemental provisions, thus forming a complete compendium of Nair personal law of much practical value.

Adoption.

Of the provisions proposed by me, those regarding the right of the adopting and adopted families to succeed to one another on extinction have not been accepted by the Committee. The section I proposed ran thus:—

(z) "If the tarawad adopting happens to become extinct, having no attaladakkam heirs, the members of the tarawad from which adoption was made shall have the right to succeed to the extinct tarawad.

The members of the adopting tarawad shall, similarly, have the right to succeed to the tarawad from which adoption was made, in case such tarawad become extinct."

It is not easy to understand why the Committee found it unable to accept the above section unless it be to see the Sirkar revenue increased. The adopted and adoptive families would succeed to each other only when the one or the other becomes extinct, so that it will be saved from escheating to the Sirkar. Under the Hindu Law any property can escheat to the King only after all those who are in any way connected with the last surviving member of the extinct family are exhausted. Even the Guru and the Chela succeed before escheat. Then why should not the adopting and adopted families of marumakkathayees be allowed to succeed to each other on extinction? "According to the Marumakkathayam Law," says the Travancore High Court, "there are two classes of heirs:—first, all those who are descended in the female line, from the great-great-grandmother downwards, of a deceased person, and between whom community of property exists and who are termed anandaravans or seshakars; secondly, those who claim from more remote female ancestors who are termed Koottukars or Dayadees. The right of the Sirkar to take the property of a deceased person as an escheat arises only on the total failure of both these classes of heirs." 2 T. L. R. 38. My proposal may add one more class to be exhausted before the Sirkar claims as escheat the property of an extinct adopted or adopting family, and my suggestion is based on the principle of Hindu Law which requires all those who are connected in any way with the last survivor are exhausted. I conceive that the Sirkar will be generous enough to concede this right and allow the succession, exacting if necessary a fee for this privilege.

With regard to section 53 of the Committee's Bill, I would not make the payment of thirumulkazcha, a condition precedent to the legality of the adoption. The last surviving member of a tarawad may in his last moments desire to make an adoption, and, if he has to wait till he makes an application to the Sirkar and obtains sanction after ascertaining the value of the property possessed by him and the 20 per cent. due is levied, it is extremely unlikely that he would live to fulfil his desire.

The Travancore High Court has held in 6 T. L. R. page 108 that "the payment of *advocara fees* (thirumulkazcha) is not the indispensable condition precedent to the confirmation by the sovereign of the State, of adoption in marumakkathayam families". It will be observed that it is only *confirmation* and not *previous sanction*, that is wanted. See the copies of some adoption theettoorams to be found in Mr. Logan's Malabar Manual, Vol. 2.

The Sirkar or the Sovereign will be always secure of the thirumulkazcha amount, which could be realised as arrears of revenue and as such will have priority over all other charges on the properties from which it may be levied. It is therefore hard to make the payment of thirumulkazcha, a condition precedent to the legality of the adoption. If the section is so interpreted as to mean that the adoption itself may be made at any time before the payment and that the thirumulkazcha should be paid antecedently to the adoption being used as a legally valid act, there will no difficulty; but I would prefer to have the meaning of the section plain, so as not to give rise to various and contrary interpretations.

Supplemen-
tal Provi-
sions,

The memorialists' Draft Bill has only one section which requires but little change, though the clerical errors occurring therein have to be corrected. We have added one more section to this chapter, viz., section 55. It makes chapters 2, 3 and 4 applicable to persons subject to a personal law of their own regarding marriage, inheritance, etc., marrying Nair females or have married any such. I have in the course of this memorandum dealt with the question at some length.

It has been objected that these, having formed alliances with Nair women not expecting a law like the proposed Regulation to be passed, should be exempted from its operation, and that it would be unjust to force such a law on them. To meet this objection a proviso has been added to the section, as it stands at present, which would give the parties to such alliance option to accept the provisions of the Regulation or make a declaration within a specified period that they or either of them wish to be exempted from them. Further, they are given one chance of cancelling such declaration if they so desire. I would, however, allow exemption from the operation of the provisions contained in Chapter 4 only for reasons already given and which need not be repeated here. (See Memo dated 14th Makaram 1094).

I would suggest that two more sections may be added to the chapter on Supplemental Provisions, viz :—

(aa) "A husband or father shall retain a life interest in all properties acquired by him for the benefit of his wife and children, or both, and he shall be in possession and management of such properties during his life-time."

(bb) "Where there has been a divorce,

(1) on the joint application of the husband and wife, or

(2) on the application of the husband, who does not seek the return of the properties given to her by him, or

(3) on the application of the wife, who does not seek compensation from the husband, or

(4) on the application of the wife, who seeks such compensation and succeeds,

the divorced wife shall retain the properties given by her husband to herself, and shall also be entitled to get her share in those that are given to her and her children jointly by him.

(5) If the divorce was on the application of the husband, who seeks return of properties given her by him and succeeds,

the divorced wife shall return to him half the properties that had been given to herself, as also half of her share in those that had been given to herself and her children jointly. The remaining half in either kind of property shall go to her children by him, and in default of children, the whole shall go to the husband.

In the case of properties which the divorced wife is entitled to retain, as also in the case of shares to which she is entitled in properties given to herself and her children jointly, the husband shall not continue to have any life interest".

Of these, the first reserves a life interest to the husband or father who makes a gift of property to the wife and children. It has been objected that this predicates suspicion or mistrust in our women. Far from it, it simply guards against their being misled by their maternal relations who, more often than not, use their influence against the interest of the husband. There have been many instances in which the husband had to view with chagrin property given by him administered by the maternal relatives much to the detriment of those to whose benefit the gift was made and the acquirer is thrown into the shade. A husband might have made a gift of all his self-acquisitions with the result that even his very means of subsistence is jeopardised.

Indeed, I have had heart-rending instances of husbands who had made a gift of all they possessed to their wives and children being unceremoniously turned out of home to wander wheresoever they pleased. In this connection also we may remember the observation of Mr. P. Narayana Menon, B. A., (Critic No. 14), that "even in respected families we find the wife divorcing the husband to better her prospects with some one else" (page 31).

In a transitional stage, specially when divorce is free and rendered easy, it is only just and proper that the donor of property should not be deprived of the property acquired by him and given to his wife and children, along with the loss of the services and care of his help-mate by a possibly capricious and self-interested divorce.

The next section is intended to secure to the divorced wife properties given by the husband. It deprives him of his life interest in certain specified cases where the parties or one of them gets the marriage dissolved.

Another question of great importance we have to consider is with regard to the effect of the proposed Regulation on parties to marriages born or domiciled in British India or in the Travancore State. In the consideration of this subject I cannot do better than refer to the observations of Sir T. Muthuswamy Iyer in his memorandum attached to the Malabar Marriage Commission Report, para 27. There the learned President of the Commission observes :—

Interstatal marriage.

“ There are several Taluks in South Malabar which adjoin the Cochin territory and several persons domiciled in British Malabar either own landed property in Cochin and Travancore or enter the public service there. In their case, questions may possibly arise in connection with the conflict of laws and the rule of decision adopted by the Courts in England in this, viz., that the forms of entering into the contract of marriage are to be regulated according to the *loci contractus* whilst the essentials of the contract are to depend upon the *lex domicilii* or the law of the country in which the parties are domiciled at the time of the marriage and in which their matrimonial residence is contemplated. This rule is, however, subject to the condition that in the case of domiciled British subjects, if the foreign marriage is void by the law of England, it will be regarded as invalid there, though not contrary where it is celebrated. If this rule is adhered to by the Native States, marriages contracted under the Act between persons domiciled in British Malabar will be adequately protected, and I understand that it is applied in the case of persons governed by the Hindu Law.

There may also be marriages between a Nair male or female domiciled in the Native States and a Nair female or male in British territory and the marriage may be contracted under the Act in British Malabar. In such cases it should be arranged either that domicile of the husband should be accepted as the domicile of the wife, the law of which is to determine the validity and effect of the marriage or that such marriage should be treated as valid when either the husband or the wife is domiciled in British territory. These appear to me to be the only modes of obviating the difficulties which may arise in case the proposed marriage law is not adopted in the States of Cochin and Travancore.”

Upon this point, the Government of Madras in their letter to the Government of India (Home Department, dated Ootacamund, 26th September 1892, No. 34 Legislative) observed as follows :—

“ The fourth point relates to the effect of the proposed legislation upon the inhabitants of Travancore and Cochin. This question does not appear to His Excellency the Governor in Council to be of any great importance inasmuch as the proposed legislation cannot affect these States except in the case of marriages contracted under the proposed law in British territory between persons, one of whom is a Travancore or Cochin subject. There would probably be no difficulty in arranging for such cases as proposed by the President in paragraph 27 of his memorandum and it not improbable that the two States in question would undertake similar legislation if the proposed Act were found to be successful in British territory”.

Since these observations were made, the Legislature in Travancore has passed the Nair Regulation, legalising Nair sambandhams and providing for the inheritance of the wife and children out of the self-acquisitions of the husband and father. We have on the one side Nair marriages legalised by the State of Travancore and on the other side the British District of Malabar, where legal marriage is made optional by statute with provision for maintenance and inheritance. Where, therefore, interstatal marriages take place between Nairs born or domiciled in the several States, difficulties can scarcely arise in the working of the new Regulation, if legal validity is a common factor of the union, as it would be in Travancore and Cochin after the Regulation comes into force. In fact the only difficulty will be with regard to Cochin subjects marrying in British Malabar and not having their marriages registered under the British Statute. In such cases difficulties would arise with regard to the validity of such marriages in British India and the inheritance of the wife and children. As to the validity of such marriages, we may bear in mind the observations of Sir T. Muthuswamy Iyer in para 27 of his memorandum quoted above.

As for the question of inheritance, the difference in law regarding the devolution of one's self-acquisitions arising from the rulings of the High Court of Madras and the Chief Court of Cochin has created a *non possunus*. The High Court of Madras has tenaciously clung to the old law of lapse and, in spite of the custom to the contrary, has held that the self-acquisitions of a junior member of a tarawad lapse on the member's death to the tarawad and not to the thavazhi (Miller J. dissenting) 32 Madras 351 F. B. In a latter Full Bench case the same court had to modify their views, by holding that the self-acquisition of a female member of a marumakkathayam tarawad does not lapse to the tarawad, but descend to her thavazhi. 38 Madras 48 F. B. According to our Chief Court the self-acquisitions of a junior member, if a female, is inherited by her children, and, if a male, by his thavazhi. 1 C. L. R. 187 and 4 C. L. R. 131.

The new Regulation in Cochin providing for the inheritance of the wife and children out of the self-acquisitions of the husband and father, and so long as in British Malabar the self-acquisition of the male lapse to the tarawad, it would not be possible for a Cochin female married in British Malabar to inherit the self-acquired property of her husband and, if she has issue by him, the children, from their father.

No arrangement of any sort suggested by the Madras Government in para 8 of their letter quoted above, can get over the difficulty created by the difference in law as to the devolution of the man's self-acquired property, unless the Madras Legislative Council comes to our aid and makes the law of inheritance of self-acquired properties in British Malabar same as in Cochin, or the Madras legislature deems it fit to pass a law in conformity with the Nair Regulation of Travancore and the proposed Bill in Cochin. That the Nairs of British Malabar are anxious to have such a law is clear from the repeated attempts made in the Legislative Council. Mr. P. Narayana Menon, B. A. & B. L., High Court Vakil, practising in Palghat (V. W. 143), observes in the course of his evidence, "I have discussed the proposed legislation with my friends there (i. e. Palghat). They are all for some change in the present system. They are eagerly waiting for the result of the Cochin proposal for legislation so that the way may be made easy for them for similar legislation".

The Hon'ble
Lt. Kavalapara
Moopil Nair on the
Draft Bill.

The Hon'ble Mr. Kavalapara Moopil Nair, himself a member of the Madras Legislative Council, observes with regard to the Bill that it does not seem to be dictated by considerations of State policy. The Hon'ble gentleman says, "The State cannot gain anything by a change in the marumakkathayam system, but on the other hand its maintenance unimpaired would tend to the *upkeep of a strong landed aristocracy with a well-to-do middle class*. It is a valuable national asset especially in times of political crisis and the State should therefore be only interested to maintain marumakkathayam intact". All this special pleading may look plausible. But is it the policy of the State to count gains and losses in the matter of legislation? Is it the material or pecuniary or moral gains or losses that are looked to? It is but seldom, unless it be in the case of fiscal enactments, that the legislature adopts the mercantile method of counting up gains and losses. Take the case of the Widow Marriage Act, the Brahma Marriage Act, the Suppression of Sati Act, the provisions of the Penal Code regarding offences against marriage, unnatural offence etc.

If the credits and debits on the moral side are counted up as regards the proposed measure, it will be evident from what have been already said that the credit side will heavily outbalance the debit side.

However that be, I believe I have been able to show that the maintenance unimpaired of the marumakkathayam system of which the indissoluble tarawad forms the centre, has not tended, in the immediate past, to the *upkeep of a strong landed aristocracy with well-to-do middle class*. Not one of the old aristocratic families have continued to this day unimpaired. The fact is they have become weak and are growing weaker and weaker every day. They have lost their prestige and influence in the country. They scarcely retain their original status or position. Their lands are heavily encumbered. As to the *well-to-do middle class*, it exists only in the imagination of Mr. Moopil Nair. There are, no doubt, in the Chittur Taluk a few families who may be said to be comparatively well-to-do, very few who may be called rich (See statement No. 1), but it must be remembered that tarawads there are disproportionately large. Elsewhere, the families are comparatively small and at the same time poorer, having a bare competence to live on. It is more or less the self-acquisitions of the junior members that go to keep up a false appearance of the wealth of the tarawad, but these self-acquisitions are really the independent property of the acquirers, the remaining members having no right over them. They remain the acquirer's own and are at his absolute disposal till his death, and what remains go to his own thavazhi and not to the common tarawad to augment its wealth.

Mr. Moopil Nair thinks that the so-called aristocracy and well-to-do middle class of Cochin are a "valuable national asset especially in times of political crisis", and he gravely advises the State to maintain marumakkathayam intact. It would be interesting to enquire of what assistance this *national asset* has been to the State during times of political crisis in the past? History tells a tale of woe which would never induce the State to go back upon its once determined policy of "putting down the power of the Chiefs in general".

At every stage of political crisis, the aristocracy of Cochin, the Naduvazhies, Desavazhies, petty chiefs, Nambudiri jemmies, and the middle classes, and gramams have all proved traitorous to the State and its Raja. They always espoused the cause of the enemy, and never desisted from raising the standard of revolt against their liege lord, the Raja of Cochin, so much so, that, in coming to an unwilling understanding with the Raja of Travancore who had been invited by the Chazhur Thambans, a branch of the Ruling house itself, to invade Cochin, one of the terms inserted in the treaty between the two Rajas stated that

"Travancore agreed to assist Cochin to put down the power of the Chiefs in general and punish the traitorous ones in particular".

Even in the times of the Portuguese and Dutch supremacy, the aristocracy was always seeking the aid of the foreigners against their own sovereign. Not to go so far back as the Portuguese period, we have it from the Dutch Governor Julius Stein Von Gollenesse that the Anjikaimal Chiefs often appealed to him against the Raja and he advised them "to show their teeth occasionally" and they did show their teeth very often. He says of the Muriyanad Nambiyar and Kodasseri Kaimal as "sending home the King's messengers or marauders with bleeding heads". Other Chiefs, notably the Talapilly Rajas and the Manakote Nair, went over to the Zamorin². Even while the Raja and the Dutch were acting together in 1716, some Chiefs like the Rajas of Punnathur, Manakkulam and Aynikur³ openly joined the Zamorin⁴. The Dutch Governor, Hertenburg constituted himself arbiter between the Raja and his rebellious Chiefs, and it is recorded that "the Dutch interfered and frustrated every attempt on the part of the Raja to cripple the power of the individual Chiefs". In 1752, the Chazhur Thambans openly invited the Travancore Raja Marthanda Varma to invade the State on their behalf and enforce their right to the Perumpadappu Mooppu Sthanam which they had previously surrendered. While Travancore was marching from the south, the hereditary enemy of Cochin, the Zamorin, was extending his conquests and was invading from the north. Thus the Cochin Raja was hemmed in between two fires. It was precisely now that the Raja stood in sore need of the assistance of his feudatories—the landed aristocracy and the well-to-do middle class. Chazhur, a branch of the Royal house, had invited the enemy in the south. The Zamorin in his successful career in the north was joined by Changarakanda Kaimal, Chittur Namburipad and Velos Nambiyar "who had always been partial to the Zamorin⁵". They now cordially welcomed him to Oorakam, Arattupuzha and Mapranam, while the other five Chiefs of Arunad or Mukundapuram hastened to make their submission. The Talapilly Rajas, the Chengazhi Nambiyars, and other Chiefs accepted the Zamorin as their Suzerain, and their example was followed by the Kodakara Nair and other Chiefs. The situation looked desperate, and the Raja had to make up his mind to compose with his southern enemy, Travancore⁶.

Under the special term of the treaty between the Rajas of Cochin and Travancore already mentioned, as soon as the Zamorin was driven out of the country with the aid of Travancore, the recalcitrant Chiefs were dealt with one by one according to the nature of their offence. The worst offenders, like the Nambiyars of Muriyanad and Velosnad, were deprived of all their possessions and reduced to beggary, while the others, like the Talapilly Rajas and Koratti Kaimal, were made to relinquish portions of their estates in varying proportions according to the extent of their guilt or more probably the king's pleasure. These relinquishments were made in writing and appear as if they were made voluntarily from a consciousness of guilt⁷.

Amongst the traitorous nobility and middle classes are to be found the following, viz.:—Kotasseri Kartha, Koratti Kaimal, Velos Nambiyar, Muriyanad Nambiyar, Arunattil Prabhukkal, Mankata, Katuttamanna, Aripa, Ayinazhi Kovilakams, and the Nambudiries of the Trissivaperoor and Perumanam gramams. The Paliam itself had gone astray, but fortunately the senior Achen never lost his head and remained constant, though his brother had gone over to the Zamorin. These recalcitrant Chiefs and nobles and Nambudiries had of course to pay the penalty of their treachery. Samples of the texts of their confession of treachery will be found quoted in Volume 2 of a 'History of Cochin' in Malayalam⁸.

Mr. C. Achyuta Menon in a note to page 119 of the Cochin State Manual mentions the guilt of which the traitors were accused as stated in the writing, "The guilt is described in these documents as "the crime of having fired at the umbrella (held) by the sacred hands of Your Highness", umbrella being the emblem of protection".

It will be now clear that "the national asset" has already gone into insolvency on account of inherent vice. At every turn, whenever a political crisis occurred, the landed aristocracy and the well-to-do middle class (the latter mostly Nambudiries like those of the Trissivaperoor and Perumanam gramams) proved treacherous and faithless. It was but

1. The State Manual, page 118. See also Logan's Treatise, etc.
2. The Dutch in Malabar, Galletti.
3. Ibid, page 108.
4. Ibid, page 109.
5. Ibid, page 110.
6. Ibid, page 110.
7. Ibid, page 116.
8. Ibid, page 119.
9. A History of Cochin, Vol. 2, pages 330 to 337.

"The endeavour of some of the educated men among the community to bring about a reform is worthy of all praise ; but it may well admit of a question whether the enactment of a permissive law is the best way of effecting it. A permissive law is always an invidious law, and in the case of such a socio-domestic concern as marriage, it should not in my opinion be resorted to unless the necessity for it is clearly established. The removal by the State of a civil disability under which a whole community labours is justifiable under circumstances, but it may well be doubted whether it is expedient for the legislature to frame an optional law to suit the convenience of a fraction of a community who want to secede from the law which governs the rest of that community. A permissive law implies that the community as a whole is not willing to change the existing usage because, if the community as a whole is ready for a change, the case is no longer one of optional legislation. If the community as a whole does not desire a change, the interference of the legislature can be justified only on two grounds, either that those who desire a change form the great majority of the community, or that, in the opinion of the legislature, the change proposed is calculated to promote the welfare of that community x x x. If then, the legislature interferes, it must be because the Government deems it fit in the interests of public welfare to legalise marriage among the marumakkathayam people. If such is the case, I do not see why the benefit intended should not at once be conferred upon the whole community by positive legislation, instead of leaving it optional with each member of the community to avail himself of it as he likes. For the Government to frame a standard law of marriage and to leave it, at the same time, optional with the community concerned to adopt it or not, is inconsistent with the theory of State legislation. The Government as responsible guardian and protector of the subject population, is bound to see that a particular course of conduct, what it lays down for the improvement of a community, is observed by the whole community, and that its observance is not left to the individual opinion of each member of the community. A law of marriage is a matter of public policy, and as such, the expediency of leaving it to the tender mercy of each individual is, to say the least of it, questionable. The enactment of a permissive law, as proposed, for marumakkathayam Hindus will result in a few members of the community following the new law while the great bulk of their kith and kin are governed by the marumakkathayam usage. We shall then witness the spectacle of some members of a tarawad following one law and some members of the same tarawad following quite a different law. In the words of a learned writer, the effect of this will be 'to call into existence a set of amphibious beings who are at the same time members of two families'. This will surely give rise to complication both social and legal, and will be the fruitful parent of discord and litigation between members of the same tarawad". (Appendix III, page 61). In this connection I may refer also to the practical objections raised to an optional law of marriage by Mr. K. Imbichunni Nair, Retired Sub-Judge (see page 53 of G. O. 504).

General remarks of His Highness Prince Ravi Varmah (I. W. XCII). The Bill and its promoters.

It is to be regretted that, in the course of his general remark, I. W. No. XCII, Prince Ravi Varmah, has been led to make statements and accusations in language far from parliamentary. He falls foul of all who have the misfortune to differ from him. His "friends" who differ from him with regard to the registration of marriages because of conscientious objections are *pure, transparent hypocrites*. The lawyer who is engaged in a tarawad suit where the karanavan and anandaravan are fighting is an "*unscrupulous harpy*". His associates in his acts of iniquity are his *tout, wine and women*.

The promoters of the movement are supposed to be conspiring to palm off the Bill on the innocent public. Their object is the destruction of the marumakkathayam system and the substitution in its place of makkathayam. Those who had a hand in drafting the Bill also come in for their share of odium. They are said to have taken particular care to veil their real intention for, "of course there is no candid admission of it anywhere". It is significantly added, "On the other hand, every precaution is taken to veil it, as far as possible from the eyes of the general public under a mass of technical verbiage which they cannot understand". Is not all this mere gratuitous abuse attributing evil motives and acts to honest men, who have, conscientiously, though apparently in the opinion of the Prince mistakenly, undertaken the task of the moral advancement of the community according to their lights? Where is the "technical verbiage" which they have used to hoodwink the eyes of the general public? If there be any such, why not refer to them in so many words, quote them and expose them, so that the mask may be torn off the eyes of the innocent and they may not be deluded? The Prince need not be told that there is absolutely no use of dealing in generalities in a more or less nebulous manner. Would it not be more just and generous of the Prince not to impute motives to those who have the temerity to disagree with him? Indeed, at first the Prince was inclined to give credit to the honest intentions and motives of the reformers (see para 8 of his letter to the Diwan dated 15th May 1916). But what induced him to change his mind, is not evident.

The Prince forgets that the Bill is drafted on the lines of the Travancore Nair Regulation, the handiwork of the Nair Committee, as revised first by the Travancore Darbar, then introduced into the Travancore Legislative Council, examined and reported upon by a Select Committee of the Council, after which the Council considered it and discussed it, section by section, and passed it. It then went up to the Madras Government, was thoroughly examined by the Hon'ble the Advocate General, after which the Government sanctioned it. It then received the Royal assent and was passed into law. The draft of the Cochin Bill is *mutatis mutandis* adopted from a Regulation that has passed through the crucible above described, and yet we are gravely asked to believe that "every precaution is taken to veil it as far as possible from the eyes of the general public under a mass of technical verbiage which they cannot understand". Such is the nature of the criticism with which the Committee is supplied. If there is anything in the argument, all the authorities above mentioned are *particeps criminis* in the nefarious work that was done in Travancore and in Cochin. The promoters and draftsmen here are *particeps criminis* with those in Travancore.

I do not for a moment forget that the chapter on partition was not passed by the Travancore Legislative Council and is not law there. But it will be observed that the Travancore Committee recommended its adoption, as there was a pretty strong majority among the witnesses in favour of partition, and that the Darbar recommended it to the Council. But it could not be passed into law *as there was no majority in the council in favour of partition*. The agitation for partition is still going on there, and there can be no doubt that it is only a question of time that the legislature will grant the right. But I do not wish to dogmatise on the point. The provisions of the Draft Bill as to partitions also appear to follow the Travancore Bill somewhat closely.

"The deputation of 7 or 8 persons who waited upon His Highness with a Memorandum signed by about 800 subjects of His Highness" are suspected of not expressing the genuine wish of the people. The deputation was composed, I am informed, of the following gentlemen, viz.:—Messrs. V. K. Kochunny Menon, B. A. & B. L., sometime Judge of the District Court and acting Puisne Judge, Chief Court, T. M. Krishna Menon, B. A. & B. L., Judge, District Court, K. Achutha Menon, B. A. & B. L., Government Advocate and Law officer, A. Sankara Menon, B. A. & B. L., Sirkar Vakil, P. Krishna Menon, B. A., District Court Vakil, and T. K. Krishna Menon, B. A., M. R. A. S., F. R. H. S., etc., District Court Vakil and a member of this Committee. Why this deputation of six of the most prominent Vakil of the State should have approached the presence of His Highness with a memorial signed by one thousand and forty-four subjects of His Highness in all positions of life and from all parts of the State, should have attempted to bamboozle the Darbar is passing strange. These are perhaps some of those "educated iconoclasts of Cochin" of whom the Prince speaks. The Hon'ble Mr. Kavalapara Moopil Nair would consider this 'strong representation' as *mysterious*. The Hon'ble gentleman does not vouchsafe to us. Why it is "mysterious". He infers that "the Darbar has been misled or prejudiced into the belief that "the legislation is necessary", that the procedure of the Darbar is novel." He adds, "So far as I can conjecture, beyond the intention expressed by a few *self-willed and selfish up-to-date reformers* who always labour to find out that imagined something wrong somewhere", etc. I have already given some of the names of these "self-willed and selfish up-to-date reformers", and let the public judge between them and the Hon'ble Lt: Moopil Nair and the Prince. The Hon'ble and gallant gentleman ought to know that hard words break no bones, and that any number of adjectives, adverbs, and superlatives will not supply argument. It is not rhetoric and declamation that we want. We want hard facts, and that is supplied by the 400 and odd witnesses examined by the Committee, whether viva voce or by means of interrogatories. An ounce of fact is worth tons and tons of ill-formed opinion. The Prince speaks of "careful wire-pulling from behind", and, if there was wire-pulling anywhere, we may seek to find it here in manufacturing interested opposition against a reasonable movement towards the amelioration of a community.

The Prince would place no safe reliance on the evidence already taken. Because "witnesses *may* be tutored", evidence *may* be manipulated, interest and prejudice *may* at times blind the intelligence or warp the judgment of even the wisest among us. "All these and more may lead to an error of judgment", and we have a fine instance of the last here. But why speculate thus? Who were those engaged in tutoring and manipulating and prejudicing the witnesses? What evidence is there of any such under-hand dealings? If there is any in the position of the Prince, why not disclose it to the Committee so as to enable it to investigate the matter? The Prince says that he "has personal knowledge that many of the signatories of the memorial have not understood either the contents or the scope or the purport of the Bill". The Prince adds, "They confessed to me that they signed the memorandum (memorial) to oblige somebody else". How many of the 1044 signatories of the memorial did so confess to the Prince, and when and where did they

The nature and value of the evidence recorded by the Committee.

make such confession? And who were those that so confessed? Would it not have been more proper, more straightforward for the Prince to expose all this mummery by giving up to the Diwan or to the Committee the names of those who made such sad confession to him and request them to make a rigorous enquiry into the matter? When the Committee had an opportunity of testing the real character of memorials presented, they have done so, see statements of V. V. W. 352 and 353. It is a matter of great regret that a judicial officer of the status and position of the learned Prince should have so entirely pre-judged without exposing the farce, if any.

That the memorial presented to His Highness is no spurious production, which the Prince wants to make it out to be, will be seen from the leading signatories who have taken part in it. The signatories are led by the Chief Justice of Travancore, a Cochinite, who was formerly acting Chief Judge of the Cochin Chief Court, and he is followed by a Puisne Judge of Cochin, High Court Vakils, Chief Court Vakils, the Government Advocate, District and Munsiffs' Court Vakils, officers of State, a retired Judge of the Chief Court, who is karavan of his family, and so on and so forth. Karavans and anandaravans of almost all important Nair families in the State and a host of others who are members of Nair families throughout the State are there. There is no gainsaying the fact that these do actually represent the Nair community as such. Of course, as is usual in such cases, there may be found amongst the numerous signatories some who are not of much moment. But that does not detract from the representative character of the memorial.

The faults
of the Com-
mittee.

The Committee itself is, however, not in much favour with the Prince. It has made "an erroneous presumption" in its interrogatories (Q: 8 (b)); it proposes "rather silly" questions (Q: 14). In the same question it is guilty of "a palpable error". Question 23 is "puzzling and astounding". The Committee has the consolation that, if it has erred, it has erred in the company of the Travancore Committee. Compare the above questions with questions 4, 14 a, and 7 c of the Travancore Interrogatories. Not one of the witnesses except this one out of the 400 and odd examined here, and the one thousand and odd examined in Travancore, was able to detect these errors, puzzles and absurdities,—that was left to the ingenuity of interrogatory witness No. 92.

The witness seems to be chuckling over the absurdity that he professes to perceive in question 14. "Does such separation promote the peace of families". The Prince wisely remarks, "The fewer the members the less chance there would be for disputes and quarrels. If the husband and wife were to live separately, there would be no chance for any quarrel between them. But in order to promote peace, nobody thinks of separating them. Similarly in the case of families too, simply because there may be some bickerings among the members of certain *thavazhies*, no sane man will think of bringing out a partition". In dealing with question No. 14 in this manner, the Prince forgets that it is but one of a series of questions beginning with question 11 which inquire into the circumstances that may lead to separation in families, and partition would be induced not by any one single circumstance referred to in the questions but by the cumulative effect of some or more of them. Apart from that, the analogy of the husband and wife not being separated if there is any chance of quarrel between them is palpably absurd. Not to say that it is any mere chance of quarrel in a family that induces separation but continued quarrels that make peaceable and safe living together absolutely impossible. It is exactly such quarrels between husband and wife that induce either the one or other to go before a court of justice and sue for judicial separation which is granted if the Court is satisfied that there is no safe living together of the parties. The Prince also forgets that in the case of the quarrelling husband and wife, there are but two individuals, one on each side. But in the case of the quarrelling family there are opposing bodies (*thavazhies*) composed of any number of individuals many degrees removed keeping up eternal quarrels making a hell of the tarawad.

The Chinese of old used to shut up a quarrelling couple in a room leaving them to themselves supplying them with food and drink through a crevice or window. They are thus left together for a specified number of days to make up their differences. If after the prescribed period the husband and wife are found not to agree still, separation is ordered. Our witness will perhaps follow the Chinese method and shut up the quarrelling *thavazhies* in a close building, not for any specific period to stew in their own juice, for the tarawad is indissoluble, and there can be no separation of its members even if they still fight and break each other's heads and kill themselves.

The Prince purports to find in the second part of the question "a palpable error." Although the proprietary interest in the *corpus* remains corporate till partition, the *usufruct* is with the *thavazhi* to which it is allotted which does create a separate as distinguished from a corporate interest. This would encourage the allottees to improve the property and enjoy the maximum produce obtainable from it.

Towards the close of his general remarks, the witness observes that at present the people have no idea of the tremendous nature of the issue raised. It is only when they are faced with the alternative of accepting or rejecting it, they will realise the magnitude of it. If they are denied the opportunity (of an optional law), whatever conclusions the Committee may draw from the evidence before them, so far as the people of Cochin are concerned it will be nothing more than a "Hobson's choice". Even as to the opportunity afforded, the witness repeats his warning against "specious arguments and wire-pulling from behind". The colossal conspiracy to despoil Malayalee tarawads always haunts him like spectre. It dogs behind him wherever he turns. It is somewhat difficult to understand the Prince's argument. The Prince has entirely pre-judged without knowing what the evidence recorded by the Committee is. This, one need hardly say, is eminently unjudicial. He takes it for granted that the large body of witnesses representing the whole country as well as the community to be effected have, without himself knowing what they have said (for the Prince has not sought for or obtained copies of the witnesses statements from the Committee), either spoken false or have been tutored or influenced to speak to facts and circumstances opposed to truth. "Whatever conclusions the Committee may draw from the evidence before them"—whether in favour of the Bill or against it—"so far as the people of Cochin are concerned"—irrespective of the Committee's conclusions—"it will be nothing more or less than a "Hobson's choice". One may mark the argument and the conclusion. It is however some relief to know that the Hobson's choice offered by the Travancore Nair Regulation has not up to this salt oppressively on the Travancore Nairs, and our Bill is but an adaptation, as already observed, *mutatis mutandis* of the Travancore Regulation. Let us hope that with us in Cochin it will not be worse.

A note of warning.

In his exordium, the Prince makes a quotation from Rao Sahib K. P. Govinda Menon of the good taste of which the less said the better. It is as follows:—"It is as if you put a halter on a man's neck and ask him from a distance and under your breath "Don't you like to be hanged". The man of course does not hear, his silence is construed as consent, and you proceed to execution immediately. The Prince protests that "we who oppose the bill are anxious to prevent such an atrocity. It is in that desire that I have drawn the attention of the Committee to this aspect of the question".

Indeed, the Committee is very thankful to His Highness for this humane warning. But the Committee at the same time would emphatically decline to believe that either the Committee or the Darbar are, or ever will be, prone to commit the 'atrocity' described. Applying the simile to the subject in hand, what does it amount to? If you (the Darbar, *i. e.*, the legislature) pass the proposed Bill, you will be doing something like what is described in this precious quotation, *i. e.*, the Darbar or the hangman puts the halter of the Bill round the neck of the Cochin Nair community, takes care to keep the victim at arm's length and whispers under breath "Don't you want this Bill". The innocent victim does not hear, silence is construed as consent, and straight way the Darbar, *i. e.*, the hangman, proceeds to execution, *i. e.*, the passing of the Bill into law, thus killing the victim instantly. The parody is cruel. The question before us is one for serious consideration, and the method adopted by the Darbar to ascertain the will of the community deserves better attention and more serious treatment. The suggestion even of such a probability as is insinuated in the quotation is itself, to say the least, outrageous, and the only justification, if there can be any justification at all, is that it is actuated by a genuine desire to guard the interests of a community which is supposed to be in peril, mistakenly it may be.

QUESTIONS PROPOSED BY THE COCHIN NAIR REGULATION COMMITTEE:

MARRIAGE AND DISSOLUTION.

- I. (a) What are the ceremonies and formalities observed in your locality for effecting a Sambandham with a Nair female?
(b) Are the formalities the same throughout Cochin?
(c) When a Sambandham is formed between a Nair female and a member of a higher caste, are the same formalities observed as when the person concerned is a Nair?
- II. (a) Is the Sambandham regarded by the community as a valid marriage?
(b) Is it common to treat as valid the Sambandham of a Nair female with
(1) a Nair of any sub-division of the same caste? or
(2) a member of a higher caste?
- III. Does the moral and material welfare of the community require that Sambandham should be given legal recognition?
- IV. Would you recognise as valid.
(1) The marriage of a male with a Nair female having a husband?
(2) The marriage with a Nair female of a male who is already the husband of another woman?
- V. If legal sanction is to be accorded to Sambandham, would you have some public record of it made by the parties or their guardians? If so, what in your opinion would be the most acceptable form?
- VI. Is Sambandham customary between the Nairs in Cochin and those living in British Malabar and Travancore?
- VII. Is any sort of formality now necessary to dissolve the Sambandham union?
If so, please describe it:
If none, would you have any?
If so, what method would you suggest as to dissolution of Sambandham, especially as to the evidence of such dissolution?
- VIII. (a) What according to local usage are considered to be reasonable grounds for dissolving a Sambandham?
(b) Would you abolish the existing practice of free dissolution of Sambandham, or, would you make it dissoluble for specific reasons?
If the latter, please give those reasons.

MAINTENANCE AND GUARDIANSHIP.

- IX. What is the existing usage as to the maintenance of Nair wives and their children?
- X. What is your opinion as to the following rights proposed to be derived from a valid marriage:—
(a) the wife and minor children shall be entitled to be maintained by the husband or father, as the case may be, and at the same time they shall retain their rights as members of their Tarwad.
(b) the husband shall be the legal guardian of his minor wife, and the father the legal guardian of his minor children.

PARTITION.

- XI. Is there a general desire for the legal recognition of individual rights to Tarwad property so as to enable an individual member of the Tarwad to claim his, or her, share of the Tarwad property.
- XII. In Tarwads consisting of several Tavazhis,
(a) does the Karanavan who belongs to one Tavazhi, treat the members of all the Tavazhis with the same consideration?
(b) is he esteemed and obeyed by all alike?
- XIII. When a Tarwad consists of several Tavazhis
(a) (1) is there a tendency for the Tavazhis to reside in different houses?
(2) if so, at what stage of descent does such tendency begin?

CHAPTER II.

Marriage and its Dissolution.

3. Subject to the restrictions of consanguinity and affinity recognised by the community, the conjugal union of a Nair male with—

Conjugal union of Nairs to be valid marriages

(a) a Nair male, or
 (b) any male, other than a Nair, with whom conjugal union is permitted according to social custom and usage, openly solemnised by the presentation of cloth to the female by the male, or in any other customary form before the date on which this Regulation comes into force and subsisting on such date, or so solemnised by the presentation of cloth after this Regulation comes into force, shall be deemed to be a legal marriage. Notice of the marriage shall be given by such person and to such authority and in such form as the Government may prescribe. Failure to give the prescribed notice shall be punishable with fine which may extend to two hundred rupees.

Provided that no conjugal union between minors or between a major and a minor so solemnised after the date on which this Regulation comes into force shall be deemed to be legal unless it takes place with the consent of the guardian or guardians of such minor or minors.

4. The marriage of a male during the continuance of a prior marriage and performed after the coming into force of this Regulation shall be void.

A polyandrous marriage whether performed before or after this Regulation shall be void.

No one having a personal law of his own allowing polygamy shall marry a Nair female while already married to a caste wife or marry a caste wife while having a Nair wife already.

Illustrations.

(a) C, a male, commits adultery with B who has married A or entices away B who, he knows, has married A. C is liable to punishment under section 477 or 478 of the Cochin Penal Code.

(b) C, a male, marries B who has married A, during the continuance of A's marriage. Such marriage being void under this section, B and C are liable to punishment for bigamy under section 474 of the Cochin Penal Code, and abetment thereof respectively.

5. A marriage will be dissolved by the death of either party, or by either party renouncing Hinduism, or becoming an outcaste. It may also be dissolved in one of the following ways, and those only, that is to say—

(1) by mutual consent evidenced by a registered document,

(2) by a formal order of dissolution as hereinafter provided.

6. A husband or wife may present a petition for dissolution of the marriage in the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction the marriage was performed or the respondent resides, or carries on business, or personally works for gain; and, when the petitioner is the husband, he shall, in all cases, offer in the petition and be liable to pay, reasonable compensation to the respondent, except where such respondent has renounced Hinduism.

7. What is reasonable compensation shall, in case of dispute, be determined by the court after an enquiry into the position and means of the parties but without going into the grounds of the proposed dissolution; and it shall, in no case, exceed Rs. 3,000.

Reasonable compensation how determined.

8. A copy of such petition as aforesaid shall be served by the court on the respondent at the expense of the petitioner, and in the manner provided for the service of summons on a defendant in the Code of Civil Procedure.

Notice to be given to respondent.

9. Six months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, the court shall declare in writing the marriage dissolved, and then proceed to determine and decree the amount of compensation. The dissolution shall take effect from the date of the order declaring it.

Order of dissolution when and how passed.

The order decreeing compensation shall be tantamount to a decree and shall be executable as such, and shall, subject to the payment of court fee on the amount in dispute, be appealable under the Code of Civil

Decree awarding compensation executable and appealable.

Procedure.

10. No court shall entertain a suit for restitution of conjugal rights or for judicial separation between parties marrying under this Regulation.

Restitution of conjugal rights.

CHAPTER III.

Maintenance and Guardianship.

11. The wife and minor children as also unmarried major daughters shall be entitled to be maintained by the husband or father, as the case may be.

Maintenance of wife and children.

They shall, at the same time, not forfeit their rights to be maintained by their tarawad.

Provided that the wife shall not be entitled to maintenance if she refuses to live with the husband without just cause, or has renounced Hinduism, or has become an outcaste.

Such maintenance shall be awarded by courts with reference to the position and means of the person against whom the maintenance is claimed, and with due regard to the reasonable wants of the persons claiming maintenance.

12. The husband shall be the legal guardian of his minor wife and the father the legal guardian of his minor children in respect of their person and property.

Husband or father when guardian.

Provided that such guardianship shall not extend to the right and interest of his wife or children in any property to which they may be entitled other than that given by him to such wife or children.

13. Where the wife has minor children by a former husband, deceased or divorced, she shall be the legal guardian in respect of their person as also of the separate properties appertaining to them.

CHAPTER IV.

Inheritance and Intestate succession.

14. On the death of a Nair male, leaving him surviving a widow or children or both, she or they shall, if he has undivided marumakkathayam heirs, be entitled to one half share of his self-acquired and separate property left undisposed of at his death, and if there are no such heirs, such widow or children or both shall be entitled to the whole of such property.

Wife and children entitled to a half share in self-acquired and separate property.

15. On the death of a non-Nair male, leaving him surviving a Nair widow or children or both, she or they shall, if he has undivided heirs according to the law by which he is governed, be entitled to one half share of his self-acquired and separate property left undisposed of at his death, and, if there are no such undivided heirs, such widow or children or both shall be entitled to the whole of such property.

Devolution of a non-Nair husband's self-acquired and separate property.

16. On the death of a Nair male, if he has left him surviving a widow or children or both, as also undivided marumakkathayam heirs, the remaining half of his self-acquired and separate property shall devolve on his own thavazhi, failing which, on the thavazhi of his grandmother, and so on in order, on the thavazhies of his female ascendants, the nearer excluding the more remote.

Devolution of a Nair husband's self-acquisition.

17. The self-acquired and separate property left undisposed of by a Nair male at his death leaving him surviving a widow or children or both, as also undivided marumakkathayam heirs, shall be in the possession of the widow, or, in her absence, of the senior major male, or, in the absence of any such, of the senior major female member among such children, and in the absence of any such, of the legal guardian of the minor children until a division is effected.

Possession of self-acquired property left undisposed of on death.

18. On the death of a Nair male, if he has left neither widow nor children, the whole of his self-acquired and separate property left undisposed of, shall devolve on his own thavazhi, and, in the absence of members in such thavazhi, on the thavazhi of his grandmother, and so on in order, on the thavazhies of his female ascendants, the nearer and the undivided excluding the more remote and the divided.

Devolution of a Nair male's self-acquisitions when he leaves no wife and children.

19. On the death of a Nair female, her separate and self-acquired property shall devolve on her own thavazhi. In the absence of any member of such thavazhi, one half of such property shall devolve on her husband, and the other half on her collateral heirs, the nearer and the undivided excluding the more remote and the divided. In the absence of any collateral heirs, the whole of such property shall devolve on her husband, and in the absence of the husband, it shall devolve on the collateral heirs, the nearer and the undivided excluding the more remote and the divided.

Devolution of a Nair woman's self-acquisition.

CHAPTER V.

Testamentary succession.

20. A Nair may dispose of by will, in writing, the whole of his, or her, self-acquired and separate property, and may appoint an executor or executors to administer the will.

Extent of testamentary power.

21. When an executor is appointed by the will, such executor, on accepting the nomination, shall, by virtue of his office, come into immediate possession of all properties comprised in the will, and shall administer the will as directed by the testator.

Possession of the executor appointed by the will.

22. If the executor appointed by the will refuses to accept the office, or, if no such executor is appointed by the will, the possession of the property comprised in the will shall pass, on the death of the testator, to the widow, and in her absence, to the senior male, and, in the absence of such, to the senior female, among his children who shall administer the will.

Possession where no such appointment is made or where he does not accept the position.

CHAPTER VI.

The tarawad and its management.

23. Every member of a tarawad has a proprietary interest in its properties. The karanavan shall have the right of management and of possession, on behalf of the tarawad, of such properties, as also the guardianship of minors generally, subject to the provisions of sections 12 and 13.

All members of the tarawad are co-proprietors and the karanavan, manager and guardian of minors.

Delegation of powers by karanavan.

24. No karanavan shall delegate his powers to any one.

25. The karanavan, or the manager for the time being, of a tarawad shall keep a true and correct account of the income and expenditure of the tarawad. The original or an attested copy of the account of each year shall be available for the inspection in the tarawad house by the major anandaravans, twice a year, on or before the 30th of Chingam and Kumbham respectively.

Karanavan to keep accounts of management.

26. The karanavan or the managing member shall maintain a true and correct inventory of all movables and immovables in a tarawad, and it shall be open to inspection by the anandaravans thereof once a year on joint notice of one month given previously, by a majority of the anandaravans.

Karanavan to maintain inventory of all movables and immovables.

27. The karanavan, or the manager for the time being, shall be entitled at the end of the year to appropriate, besides his maintenance, an amount not exceeding 25 per cent. of the net realised income of the tarawad up to a maximum of Rs. 900. So far as this amount is concerned, it shall be deemed to be his self-acquisition.

Emoluments of karanavan.

28. Except with the written consent of all the major members of the tarawad wherever possible, no karanavan, or other managing member, shall sell tarawad property, movable or immovable, or lease it for a period of more than 6 years, or mortgage it with possession, or pledge or hypothecate it, or obtain discharges of mortgages with or without possession.

Consent of major members necessary to validate alienations of tarawad property.

For the purpose of this section, movables include ornaments, vessels and other valuables, and do not include usufructs and grains realised in the shape of pattom.

29. Every sale, mortgage, pledge or other alienation of tarawad property, shall be void unless it is executed or made for tarawad necessity.

Mortgages or alienations to be void unless for tarawad necessity.

30. No debt contracted by the karanavan, or the managing member, shall bind the tarawad unless it be for tarawad necessity.

Debt of karanavan not binding on tarawad unless for tarawad necessity.

31. The burden of proving tarawad necessity shall be on the purchaser, mortgagee, pledgee or other alienee or creditor, as the case may be. But the court may presume such necessity where the transaction is in accordance with the provisions of section 28.

Burden of proving tarawad necessity.

32. No decree shall bind a tarawad unless it be obtained in a suit against the karanavan as such and all the members of the tarawad.

What decrees shall bind the tarawad.

33. Every member of a tarawad is entitled to maintenance proportionate to the income and status of the tarawad. If any such member lives outside the tarawad house, he or she shall still be entitled to such maintenance, provided that such member can show some good ground for so living.

Maintenance of members of the tarawad:

Explanation. 'Maintenance' means and includes food and raiment, expenses of education and of medical treatment and such other expenses of an anandaravan as come under the category of *menchilavu*.

34. Except in cases of family usage, every major male member and, in the absence of such, every major female member of a tarawad has a right to succeed to the karanavanship in the order of seniority on the death, retirement, renunciation or removal of the karanavan.

Right of succession to karanavanship.

Where there is no major male, or major female member in a tarawad, the principal Civil Court of original jurisdiction, within whose limits the tarawad is situated, shall, on the application of any interested in the tarawad or its members, appoint a manager upon such terms as it deems fit, after giving public notice of the application and hearing all those who are interested in opposing or supporting such application, and the manager so appointed shall be accountable to the court under rules framed for the purpose.

35. Every member of a tarawad has the right to see that the tarawad estate is properly administered by the karanavan and is duly conserved for the use of the tarawad and that his or her right to succeed to the karanavanship is in no way impaired.

Anandaravan's right to see tarawad property safe.

36. Every member of a tarawad has the right to seek the removal of the karanavan by a decree of court, if it can be shown that he is physically, mentally or morally incapable of transacting its affairs, or that he habitually mismanages the concerns of the tarawad, or that he is guilty of conduct of a kind tending to defeat the very purpose for which the tarawad exists.

Right to seek removal of karanavan.

37. Any member of a tarawad shall be at liberty to give up his rights in the tarawad and every karanavan his right of management as karanavan after it becomes vested in him by the execution of a registered deed of renunciation.

Renunciation of right in tarawad.

38. The provisions of this Chapter shall apply to all thavazhis in a tarawad possessing separate thavazhi properties.

Thavazhi management.

CHAPTER VII.

Partition.

39. (a) No member of a tarawad shall claim, or be compelled, to divide from any other member or members of his, or her, own thavazhi.

No member entitled to divide from his thavazhi.

(b) No member shall claim, or be compelled, to divide from any other member or members of the thavazhi of any of his, or her, lineal ascendants in the female line during the life time of such ascendant.

40. After the death of the lineal ascendant referred to in clause (b) of section 39 or with her consent, each collateral thavazhi represented by a majority of the major members thereof, may claim an outright partition of all properties common to all thavazhies over which the tarawad has a power of disposal.

Collateral thavazhies entitled to divide from each other.

The male children and the female children without issue of such ascendant, that do not come under any of such thavazhies, may obtain their share and separate.

41. Each of such thavazhies shall be entitled, as a whole, to so much of the common properties as would fall to the shares of the members of that thavazhi if a division *per capita* were made among all the living members of all the thavazhies.

Share of thavazhies on partition how determined.

42. Property obtained from the husband, or father, by the wife or widow, and child, or children, by gift, inheritance or bequest, or purchased for their benefit shall, unless, in the case of gift, bequest or purchase, a contrary intention appears from the instrument of gift or will or purchase deed, belong to the wife or widow and each of the children in equal shares, they holding it as tenants-in-common with right to individual partition.

Division between wife and children to be *per capita*.

CHAPTER VIII.

Impartible. tarawads.

43. Any tarawad wishing to exclude itself from the operation of the sections as to partition in this Regulation may, within six months from the passing of this Regulation, notify its intention of impartibility, by registering its name as an impartible tarawad in the office of the Diwan Peishkar.

Tarawads made impartible.

44. Notice of such intention as specified by section 43 shall be given by not less than two-thirds of the major members of each thavazhi of the tarawad concerned.

Notice of impartibility.

45. On receipt of such notice, the Diwan Peishkar shall, if he is satisfied that the said notice is agreed to and signed by the majority as provided for by section 44, register the tarawad as an impartible tarawad, and, if he is not so satisfied, reject such notice.

Diwan Peishkar to consider the question of impartibility.

46. It shall be competent to a tarawad registered as impartible, to exempt itself from the provisions of this Chapter by a further notice, stating its desire to cancel the registration previously made, provided that all such notices shall be agreed to and signed by not less than two-thirds of the major members of each thavazhi of the said tarawad.

Impartible tarawads made partible.

47. On receipt of the notice contemplated in section 46, the Diwan Peishkar shall, if he is satisfied that it is agreed to and signed by the majority mentioned above, cancel the registration of impartibility.

Order of Diwan Peishkar cancelling impartibility.

48. The Diwan Peishkar shall keep a register of all such applications and orders as provided for in this Chapter, and such register shall be open to the public who shall be allowed copies of such registers.

Diwan Peishkar to file such notices and maintain tarawad register.

49. All proceedings taken by the Diwan Peishkar under this Chapter shall be deemed to be judicial proceedings and his orders shall be final.

CHAPTER IX.

Adoption.

50. Where a tarawad consists of only male members, or of only female members past the period of child-bearing, or of both, the karanavan may, with the consent in writing of all the other members of the tarawad, make an adoption for the purpose of perpetuating the family.

Adoptions when and how to be made.

Such adoption may be of one or more females with or without males.

51. The adoptees shall have in the adopted family all rights and duties as appertain to the members born therein, and shall be liable to take the customary Theettaram from His Highness after payment of the customary dues, which shall be recovered as arrears of land revenue.

Rights and duties of the adoptees.

CHAPTER X.

Supplemental provisions.

52. Nothing in this Regulation shall—

(a) confer any rights on the parties to, or offspring of, a marriage dissolved before it comes into force; or,
(b) affect the existing rules of Marumakkathayam law, custom, or usage, except to the extent hereinbefore expressly provided for.

Marriages dissolved before this Regulation comes into force not affected by it.

53. The provisions of Chapters II, III and IV of this Regulation shall apply also to such non-Nair males as have married, or may marry, Nair females, though they may have a personal law in regard to matters dealt with in those Chapters.

Application of chapters II, III & IV to persons subject to personal law marrying or have married Nair females.

In the case of those non-Nair males who have already married Nair females before the passing of this Regulation, both the husband and wife shall have the right to make a declaration before the District Court within whose jurisdiction he or she lives, after giving due notice to the one or the other as the case may be, within 6 months from the date of the coming into operation of this Regulation, that they or either of them wish to be exempted from the provisions of Chapter IV of this Regulation and they shall then be exempt from such provisions. The husband and wife may, at any time, cancel such declaration by means of a joint verified petition to that effect to be presented to the District Court within whose jurisdiction either of them lives, but they shall not be permitted to make a second declaration.

Proviso.

To

HIS HIGHNESS SIR RAMA VARMA, MAHARAJA OF COCHIN.

May it please Your Highness,

We, the undersigned Nair subjects of Your Highness, most respectfully beg leave to approach Your Highness with the following humble memorial :—

For a long time past, the inadequacy of the ancient marumakkathayam common law and usage to meet the altered conditions and needs of the Nair community has been keenly felt throughout Kerala, and various attempts at legislation have been made both by the British Government and by the sister State of Travancore, with a view to help in the readjustment of the existing law to suit the advanced notions of our community respecting our family relations and proprietary rights. The Malabar Marriage Act of 1896 and the recent Travancore Nair Regulation have been the outcome of the legislative labours above referred to, and, as Your Highness is doubtless aware, further and more comprehensive measures for British Malabar have been placed on the legislative anvil, and are now engaging the anxious attention of the Madras Government. While these attempts are being made outside this State to keep pace with the altered sentiments and feelings of the Nair community, Your Highness' own Nair subjects feel that they would be failing in their duty to themselves if they keep looking on without making a similar attempt for their own advancement. The complexities of modern social life with the wider outlook and the new ideals they have inevitably created in the minds of the younger generation among us have often come into collision with the traditional notions of the less advanced sections of the community; and the result has been a threatened disruption of families or at least the creation of a feeling of dissatisfaction and unrest.

This alarming state of things has been, for some time past, the source of great anxiety to the thinking portion of our community and has induced some of us to put our heads together in order to devise some scheme which would commend itself to the acceptance of the community in general. Our joint and anxious deliberations over the matter have revealed the existence of a strong desire on the part of our community that our family system should be overhauled and put on a sounder legislative basis. In order to satisfy the desire so generally felt, we have ventured to put our suggestions in the form of a draft bill, pretty much on the same lines as those of the Nair Regulation of Travancore. As no attempt at social reconstruction can achieve its full measure of success without the *imprimatur* of Government, we humbly and respectfully beg leave to place our suggestions before Your Highness in the form of the draft bill referred to above. In doing so, we humbly pray that Your Highness may be kindly pleased to bestow Your Highness' gracious consideration on the matter, and to confer on our community, at no distant date, the boon of a legislative enactment on the lines set forth in the appended draft bill, with such modifications as to Your Highness' Government may seem proper and necessary.

We most humbly beg leave to remain,

May it please Your Highness,

Your Highness' devoted and loyal Nair subjects,

1. K. Raman Menon, Chief Justice of Travancore.
2. V. K. Sankara Menon, Judge, Chief Court, Ernakulam.
3. V. K. Kochunny Menon, High Court Vakil.
4. T. K. Krishna Menon, Vakil, Ernakulam.
5. T. M. Krishna Menon, ag. Government Advocate, Cochin.
6. K. Achyutha Menon, High Court Vakil.
7. M. Krishna Menon, Chief Court Vakil,
and others numbering 1044.

REPORT
OF
THE COCHIN CHRISTIAN SUCCESSION BILL
COMMITTEE.

— (2)

1096 M. E.
1920 A. D.

—
PRINTED AT THE INDUSTRIAL SCHOOL PRESS,
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Report

OF

The Cochin Christian Succession Bill

COMMITTEE.

We, the members of the Committee appointed to report on Inheritance and Succession among the Christians of Cochin, have the honour to submit the following

Report.

1. On the 14th Chingom 1095 Government issued the following *Press Communique* :—

Preliminary.

“Representations having been made to His Highness’ Government by a number of educated and prominent Christians in the State to the effect that legislation is necessary to remove the uncertainty that now exists in the matter of inheritance and succession obtaining at present among the Christians of Cochin, the Government deem it desirable to appoint a Committee to ascertain and report upon the views of the community on what lines the legislation should proceed.”

2. A Committee consisting of the following members was appointed by Proceedings of Government dated 5th September 1919 :—

- 1 Mr. Justice P. I. Varugis, President.
- 2 „ M. A. Chakko, Superintendent of Police.
- 3 „ Joseph Thaliath, M. A., BAR-AT-LAW.
- 4 „ V. D. Ouseph, B. A. & B. L.,
- 5 Rev. Fr. Michael Nelavareth.
- 6 Mr. N. O. Inasu.
- 7 „ P. C. Varkky.

Government also appointed Mr. P. J. George, B. A. & B. L., to be Secretary to the Committee.

3. The Committee held its first meeting on 16—2—95 and resolved to seek further guidance from Government regarding the scope of their enquiry and powers, as the result of which Government passed Proceedings on 11—10—19 amplifying the reference as follows :—

“1. The Committee should investigate the existing customs of the community regarding inheritance and succession.

2. The Committee should state their own views as to the lines on which legislation should be undertaken.

3. The investigations of the Committee should extend to Eurasians, East Indians, Parungis and Tamil Christians of Chittur. But, if, as the Committee evidently seem to think, the law as to succession is clear in the case of these special communities, any elaborate recording of evidence will perhaps be unnecessary. A few representatives of each community may be examined and a finding recorded as to the law of succession governing each."

Interrogatories.

4. The Committee at their meeting on 25—2—95 adopted a questionnaire upon the topics of the reference, which was printed and sent to as many as 1,600 people of both sexes, selected with the assistance of the Revenue Department and the priests of parishes, from among the respectable and intelligent members of the community throughout the State. Further publicity was given to the questionnaire by inserting it in three issues of the Government Gazette and in the leading Malayalam newspapers. Answers were invited from all *Christian subjects of His Highness*.

5. 322 interrogatees returned answers to the questionnaire. 35 ladies belonging to Ollur sent in a joint, and another lady, a separate, statement of views concerning the topics under discussion, and two prelates (His Grace the Archbishop of Verapoly and the Most Reverend Mar Dionysius, Metropolitan of Malankara) sent letters giving their counsel. Among those who sent answers to the questionnaire in the allotted margin of the printed book were the Most Rev. Mar Timothy, Metropolitan of the Chaldean Church in Malabar and India and the Most Reverend the Metropolitan of Thozhiyur.

Decisions and Deeds.

6. The Committee also obtained copies of decisions of courts bearing on the questions under consideration, through the courtesy of the learned Judges of the Chief Court and the District Judge of Anjikaimal. They also obtained from the Registration Department copies of registered partition deeds and wills, sufficiently numerous to be representative of the voluntary dispositions of property effected by members of the community through several decades.

7. When the replies to the questionnaire were received and perused the following facts were brought to light : —

1. That there was practical unanimity on several points.

2. That there was great diversity of opinion on the question of women's rights.

3. That many of the questions relating to this subject were not properly understood except by a few of the interrogatees.

It was also found that through various causes, a great many of the question books despatched, failed to reach their destination and numbers of people who were entitled to be heard on the points involved, had no opportunity to state their views.

8. It was therefore decided that the Committee should proceed from station to station and examine witnesses *viva voce*.

Viva voce evidence.

9. The following classes of witnesses were selected for examination:—

(1) Persons paying a land tax of Rs. 30 and above.

(2) Persons drawing Rs. 20 and above per mensem as pay or pension in the service of Government.

(3) Graduates and persons who had passed the F. A. or Intermediate Examination.

(4) Ladies selected by the members of the Committee, and

(5) Priests (a few from each diocese.)

10. Invitations were issued to the witnesses selected and such of them as appeared as well as those who volunteered to give evidence were examined at the following centres:—

CENTRES.	No. OF WITNESSES.	
Ernakulam	—	58
Kunnamkulam	—	35
Irinjalakkuda	—	66
Trichur	—	62
Ollur	—	27
Narakkal	—	36
Kumbalangi	—	17
Andikadavu	—	23
Tripunithura	—	26

Gothuruthi	—	—	15
Ochanthuruth	—	—	28

The Committee held 34 sittings for the examination of witnesses and examined 393 witnesses.

11. The witnesses who responded to the interrogatories and those who were examined *viva voce* have been classified as follow:—

CLASSIFICATION OF WITNESSES WHO ANSWERED
THE INTERROGATORIES.

According to sex:

Males	—	—	307
Females	—	—	53

Taluk-war:

Cochin-Kanayanur	140
Mukundapuram	86
Talapilli	56
Trichur	73
Chittur	2
Cranganur	—
British, Travancore and places not mentioned	3

According to community:

Catholic Syrians	211
Jacobite Syrians	48
Chaldean Syrians	2
Mar Thoma Reformed Syrians	5
Protestant Syrians	—
Latin Catholics	77
Protestant Indian Christians	10
Parungis (Catholics)	1
Eurasians (Catholics)	1
Tamil Christians of Chittur	2
Roman Catholic Indian Christians	1
Denomination not stated	1
European Catholic	1

According to Profession:

Agriculturists	193
Traders	34
Public servants and pensioners	39
Clergy (including 4 prelates)	16
Vakils	6
House management	18

Those who give no profession	44
Native physicians	1
Accountants	4
Students	2
Contractors	3

According to Tax assessed:

Those who pay Rs. 30 and above	178
Others	182

CLASSIFICATION OF WITNESSES WHO WERE EXAMINED *viva voce*.

According to sex:

Males	357
Females	36

Taluk-war:

Cochin-Kanayanur	200
Mukundapuram	62
Trichur	80
Talapilli	41
Witnesses from Travancore	7
Do. British India	3

According to community:

Catholic Syrians	158
Jacobite Syrians	76
Chaldean Syrians	15
Mar Thoma Reformed Syrians	8
Protestant Syrians	3
Latin Catholics	109
Protestant Indian Xians	18
Parungi Catholics	3
Anglo-Indians (Eurasians)	2
Tamilian Catholics	1

According to Professions:

Agriculturists	154
Traders	63
Government servants	76
Vakils	14
House management	37
Clergy	16
Private employees	15
Contractors	1
School Managers	2
Native physicians	2
Printing Press Proprietor	1

Document writers	5
Artisans	2
Profession not stated	5

According to Tax assessed:

Those who pay a tax of Rs. 30 and above	204
Others	189

Census figures of the various sections of the community.

12. It may here be stated that, according to the last census, the figures for the various communities of Christians in the State are:— Syrian Catholics, 100,166; Latin Catholics, 97,787; Jacobite Syrians, 20,025; Chaldean Syrians, 12,157; Protestants, 2,361 and Reformed Syrians, 596; making a total Christian population of 2,33,092. It may be claimed that the community as a whole was adequately represented before the Committee by witnesses who either sent answers to interrogatories or were examined *viva voce*.

Result of the written evidence.

13. The interrogatories embodied in the questionnaire sent to witnesses were drawn up on the model of the interrogatories framed by the Travancore Committee and, thanks to the meticulous care with which that committee did the work, fully covered the whole field of enquiry. Where the answers to the interrogatories showed practical unanimity, it was safe to presume, either that there was a valid custom in accordance with the answers, or that the community were agreed on the point. On such points, which indeed embraced all matters other than the rights of women, it was considered unnecessary to question the witnesses who were examined *viva voce*. We felt that we could safely base our conclusions regarding them, on the evidence obtained by means of the interrogatories alone.

This Report and the Report of the Travancore Christian Committee.

14. This Report adds nothing to the literature on the subject of the Christian Church in Malabar, its rulers, scribes and lawyers, its vicissitudes, controversies and social and political history. A formidable volume of learning has gathered round these topics and we would refer the curious to the admirable and succinct account given of them in the Report of the Travancore Christian Committee. We set ourselves in this Report the relatively simple task of justifying our recommendations, by the views of the community as elicited in our investigations, or, in the few cases where we have departed from their view or had to choose between conflicting views, by

general principles which cannot be gainsaid. We take this occasion to acknowledge our great indebtedness to the monumental work of the Travancore Christian Committee which has so lightened our own humble labours as to make them a trifle beside theirs. On several points their work is in the nature of original research and on all points it is, if we may say so, so thorough that we have been content often to copy their design, and in several respects, the details also. It must be gratefully remembered that they were working in a field largely common to both the States. The Christian people of this State and of the neighbouring parts of Travancore form a homogeneous community separated by no essential difference and only by the geographical limits of their civic allegiance.

15. Thus the investigations of the Committee yielded the following data for forming their views: — Judicial decisions, deeds and wills evidencing dispositions of property, answers to interrogatories, depositions given *viva voce*, the Travancore Committee Report and the Travancore Regulation.

Data.

The general nature of our Report has been thus explained. We now turn to particular topics.

16. In stating the conclusions we have arrived at, there is no need to treat separately of the various communities dealt with, except to say a few words, regarding Europeans and Anglo-Indians, Parungis and the Tamil Christians of the Chittur Taluk. The evidence before the Committee decisively shows that the three former classes follow the principles of the Indian Succession Act and no legislation is necessary for them. As to the Tamil Christians of the Chittur Taluk, the evidence shows that they follow the Hindu law of succession and inheritance. They must likewise be excluded from the proposed legislation. The rest of the Christians of this State, although they belong to diverse sections, do not exhibit any great differences of custom or opinion along sectional lines, and we do not deem it necessary or desirable to deal with them in compartments. The sole exception to this general proposition, which we have come across, is mentioned in para 28 below.

Sectional differences immaterial.

17. We consider that the proposed legislation should, like the Indian Succession Act and the Travancore Regulation create a *lex loci* in respect of all immoveable property left in the State by a Christian intestate wherever he may have had his domicile.

A *lex loci*.

Consanguinity

18. We have, like the Travancore Committee, borrowed for the bill appended hereto, the explanatory provisions of the Indian Succession Act regarding the nature and degrees of consanguinity and other introductory and non-controversial matters.

Propositions generally agreed to.

19. There is general agreement in the written evidence, that, subject to the rights of the widow (or widower), the lineal descendants of an intestate rank foremost among his heirs. This is in accordance both with the Indian Succession Act and with the Travancore Regulation. There is the same practically unanimous assent to the following propositions:—

1. For the purposes of succession, there is no distinction between moveable and immoveable property.

2. Lineal descendants of the intestate should take *per stirpes* and not *per capita*.

3. Brothers take equally and so do sisters.

4. Among collaterals, paternal relatives are to be preferred to maternal, when the property in question is what has descended from the paternal side.

5. No distinction is to be made between children by different marriages.

No distinction between paternal and maternal inheritance.

20. These principles we accept. As to No. (4) we would make the rule applicable to all the property of the intestate, although 118 witnesses against 119 would not apply it to property descended from maternal ascendants. We are in agreement with the Travancore committee that it is not practicable and would not be advisable even if practicable, to make a distinction between property inherited from the paternal side and property inherited from the maternal. Such a distinction has never been suggested in any case coming before the courts; so that to introduce it would be an innovation. The Indian Succession Act recognises no such distinction. As the Travancore Committee point out (para 314 of their Report) "When once a man becomes vested with absolute authority over property inherited from his paternal kindred or from his maternal kindred, it is not usual for him to keep separate accounts of these properties or to keep his estate in such a way that it can be readily ascertained how much of his property may be treated as having been obtained from the paternal kindred and how much from the maternal kindred. The ascertainment of

that point leads to endless confusion and trouble. It will tend to encourage minute and difficult investigations into matters of family account."

21. * As to the extent of the preference which they would give to paternal relatives in the succession to a man's property, it is only 51 interrogatees as against 126 who say that the exclusion of the maternal relatives should be absolute. Following the majority view as well as the Travancore law, we recommend that maternal relatives be postponed no further than to the paternal grandfather, his lineal descendants and the paternal grandmother.

Preference of paternal kindred.

22. A few of the interrogatees (45) would make a distinction between the property of a male and that of a female intestate, giving equal shares in the latter to all children, male and female. The majority are not in favour of such a distinction, and we adopt the majority view.

23. A minority of interrogatees, 90 in number, would not exclude illegitimate children altogether from the inheritance. That illegitimate orphan children should be brought up at the cost of their parents' estate rather than be cast on the public is at least an arguable position. We doubt whether the exclusion of illegitimate children from inheritance will go very far to discourage immorality. At the same time we do not want to leave room for unwholesome and unseemly litigation regarding the parentage of the claimant, promoting perjury, besmirching the name of the dead, and wounding the feelings of their living kindred. Our recommendation therefore is that illegitimate children may inherit the property of their mother when she leaves no legitimate descendants.

Illegitimate children.

24. It follows from the preference given to paternal kindred that no distinction can be made among children of the same father on the ground that some are of the half-blood. Half-blood brothers by the same mother are of course, maternal kindred.

Fullblood and half-blood.

25. We found in the answers to interrogatories much inconsistency and confusion regarding women's rights indicating, as already remarked, that the questions put were not correctly understood by the witnesses. Any analysis of the evidence obtained in answer to interrogatories would therefore lead to false estimates so far as this subject is concerned,

Viva voce evidence preferred to interrogatory evidence in regard to women's rights.

Hence we made it a point, when examining witnesses *viva voce*, to focus attention on the rights of women and took every care to ensure that the witnesses grasped the questions put to them and gave considered answers. On this important and controversial question, therefore, it is safer to follow the *viva voce* than the written evidence.

Custom.

26. As already stated, we were directed among other things, to ascertain the existing customs relating to succession and inheritance. Although we have a large volume of evidence before us in the shape of decisions, deeds, and wills, bearing on the question of custom, it is unnecessary to go into that evidence in detail, because the result of it may be accurately summarised in a few sentences.

27. On the question of women's rights it is indisputable that there is a pronounced agnatic bias on the part of the community as a whole. The prevalent disposition is to preserve the corpus of a man's wealth for his male descendants. The extent of the daughter's portion turns on considerations which cannot be collected under any general rule. In most families there is a standard set by *mamool* for her dowry. There is also a standard for supplementary gifts made at the birth of a child. These standards do not vary materially with the changing fortunes of the family or the purchasing power of money. An amiable weakness for which a man is neither praised nor blamed may dictate a substantial increase over the accepted standard in favour of a daughter who is much beloved. In our State the cases are few in which the daughter's portion is determined by the demands of the bridegroom or the competition for a particularly eligible individual of that class. Since the dowry given to a woman bears no direct ratio to her father's wealth, the poor man's daughter generally gets a relatively larger share of her father's property than the rich man's. General propositions like these, however, yield nothing which can be termed a Custom in the legal acceptance of the word. With the one possible exception mentioned in the next paragraph and the rule that in the absence of sons, daughters inherit the whole estate in equal shares, there is no evidence of a custom which is definite, uniform, continuous, and adhered to under a sense of legal obligation. We may safely say that the community as a whole would repudiate the suggestion that (unendowed) daughters are not entitled to anything from their

father's estate when he is dead. But Custom prescribes no definite portion to them. What is in practice deemed their due depends to some extent on personal equation. Widows are generally cared for. They seldom go to law to ascertain what they are entitled to. Before an actual partition, the question never arises, and at an actual partition, though something is usually set apart for the widow, she is rarely consulted on the point. It is only the childless widow that concerns herself about the provision made for her, and she represents a small class. As a general rule, women do not appear as executing parties in partition deeds.

Decisions.

28. Speaking more particularly of the decisions of the courts, the law as laid down is that, in the absence of proof of a specific custom, the provisions of the Indian Succession Act should be followed as rules of equity, justice and good conscience. The oldest decision of the Chief Court on the subject, which we have come across is A. S. No. 132/54. It was a case relating to Catholic Syrians. Messrs. Subramania Pillay and Locke JJ. held that a widow was entitled to one-third of her husband's property, when the intestate left a son as well. The above decision was followed in A. S. No. 59/55, which is another case relating to Catholic Syrians. In this case, there were daughters of the deceased as well as the widow. The suit was brought against the intestate's brothers and the deceased's brother's son. It was held that the widow was entitled to one-third of the property and the daughters took the remaining two-thirds. In A. S. No. 92/83 it was held that the widow was entitled only to maintenance, but this rule was specifically confined to the case of the Jacobite Syrians of Kunnankulam. Some of the remarks in this judgment may tend to show that the custom upheld is common to all Jacobite Christians in the State, but in view of what was said in a very recent case in the Chief Court decided by Mr. T. S. Narayana Iyer C. J., and Mr. Justice Narayana Menon, such a conclusion is unwarranted. It was there said "As regards the decision in A. S. No. 92/83, this is only one instance in which the custom has been recognised and I do not think that we can take the general custom to be made out from such an instance, more especially when the specific evidence adduced to prove it is very unsatisfactory." Per Narayana Iyer C. J., in XI Cochin Law Reports, page 164. Subsequent decisions have only affirmed the law as stated at the head of this para. There is therefore no need to cite them.

Sthreedhanom.

29. Now-a-days it is not unusual in some parts of the State for the bride's parents to give a sthreedhanom to her on her marriage. But the practice is neither so widespread nor so abused in this State as in Travancore. In the northern taluks it is exiguous. Mr. K. D. Antony, B. A., B. L., Vakil, Trichur, says "Sthreedhanom as such is not prevalent in Trichur and the neighbouring parts. *The amount of sthreedhanom is not fixed in the marriage treaty.* Only customary ornaments are given to married daughters. The recognised maximum of ornaments given may be taken to be about Rs. 500. In exceptional cases it may go to about Rs. 1,000 and sometimes more. The ornaments form only a nominal gift and do not form a substantial portion of the father's wealth. Persons worth about a lakh of rupees may generally give ornaments worth about a thousand rupees. A man worth about 20 or 25 thousand may give ornaments worth about Rs. 500. Whatever sum is given to the daughter is according to existing usage left to the freewill of the father, or, if the father is dead, of the brothers." In the southern taluks the practice is slowly coming into vogue of fixing a sthreedhanom as a term in the marriage contract. Formerly it was and still to a large extent is expressed in terms of jewels as 2, 3, 4 or 5 sets of jewels. A conventional value is fixed on them, the value of 5 sets being 1,500 puthens. This value is fixed only for the purpose of determining the amount of *Passaram* due to the church on the occasion of the girl's marriage. Even if no sthreedhanom is at all given, or intended to be given, a *Passaram* is levied. The usage is thus summarised by Mr. M. I. Virkkey, Comptroller of Accounts: — "Among the Syrian Christians of the Northern taluks, the usage of giving sthreedhanom to married daughters did not exist. Nor were they allowed a share of the deceased's properties. Instances there are of cases where later on in life a settlement has been made on the daughter. The giving of sthreedhanom to married daughters as it exists among the Syrian Christians of the South (Travancore) is only a late innovation. Though in the southern parts of the State, sthreedhanom is usually given to married daughters, it did not take the form of a settlement at the time of marriage, nor was the amount of sthreedhanom a deciding preliminary in the marriage arrangement. The tendency now is to settle the amount of sthreedhanom before the marriage, and it is an important factor in the marriage arrangement. This idea is permeating to the northern parts of the State.

“Where the boys have higher English education, the demand “made is quite out of proportion to the usages of the family.” In these respects, usage in our State differs greatly from that in Travancore where the amount of sthreedhanom is often the most vital term in the marriage treaty and the bridegroom’s party astutely exploit the solicitude and anxiety of the bride’s father.

30. In the circumstances that obtain here, the first question for us is whether a girl who has been paid a sthreedhanom, should have any further claim on the estate. The Travancore Committee said with regard to that State: — “There is very great unanimity of opinion that a daughter to whom dowry was paid by her father should, according to the customary law, be considered to have received her share in his estate.” There is, however, not the same unanimity here. This is to be explained partly by the fact already mentioned, that the dowry is not a subject of stipulation and what the bride’s father gives to his daughter is not ‘strained’ as in Travancore. The parents of girls, who can afford it, supplement in money and goods and even immoveable property, the 5 sets of jewels which they give to their daughters at their marriage. Only 59 out of 393 witnesses say that daughters who have received a dowry from their father should have no further claim on his estate. Nevertheless, we are unanimously of opinion that when the sthreedhanom to be given to a girl has been the subject of stipulation between the bride’s party and the bridegroom’s, it is not unfair to refuse to those who have received it, any further share. The father is the free and absolute owner of his property and has the right to decide how much of it should be given to his daughter. The dowry that has been bargained for ought in law to be taken as the utmost measure of his bounty. However common the practice is of supplementing the stipulated sthreedhanom with subsequent gifts, there is no custom making it legally obligatory to do so. We do not therefore make any innovation when we recommend that a daughter who has been given a sthreedhanom should have no further legal claim to the estate. But there are considerations which make it necessary to exclude her not only from her father’s estate, but also from that of her mother, paternal grand-father and paternal grand-mother when her sthreedhanom has proceeded from any of them. The close identification of father and son in the agnatic family and the

No share when sthreedhanom is given.

mingling of the separate wealth of a married woman with that of her husband make it a question of great nicety whether the dowry of a girl proceeded from the funds of the father, the paternal grandfather, the mother, or the paternal grandmother, when all of them were alive and had means. And none of these ascendants would, if we rightly apprehend the sense of the community, desire to make the distinction. For these reasons, the rule of exclusion is laid down in the appended bill in such terms as to prevent the endowed daughter from claiming a share in the estate of her father, mother, paternal grandfather, or paternal grandmother, when she has received a sthreedhanom from any of them. While on the question of sthreedhanom, we have to point out that the Passarom (literally a tenth) levied by the church on the occasion of a marriage, is not an unerring indication of the amount of the sthreedhanom paid or promised, nor does it even prove that any sthreedhanom was at all paid or promised. These are questions of fact and are left open as such in our bill.

Unmarried daughter's
share.

31. Regarding daughters, who are either unmarried or being married, have not been paid or promised a sthreedhanom, only two witnesses have said that they are not entitled to anything. We think it clear therefore that such daughters are entitled to a share. There is nothing to be gained by calling it sthreedhanom as the Travancore law calls it. So long as the parent is alive, the unmarried daughter has a moral claim on such parent for a portion on marriage which bears no definite proportion to his or her means and which is what is understood as sthreedhanom; but when the parent is dead, it is a definite part of his or her estate that falls to the unmarried daughter and it should properly be called a share. It has not the essential marks of sthreedhanom, namely, (1) relation to marriage, (2) variableness and (3) being the subject of agreement. We venture to call a share, a share, although there is ample indication in the written and oral evidence to show that the use of the word in reference to women may give offence to some. We define 'Sthreedhanom' as "any property given to a woman, or in trust for her to her husband, or his parent or guardian in connection with her marriage, and in fulfilment of a term of the marriage treaty in that behalf." It will be seen that this definition differs to some extent from the definition given in the Travancore Regulation. For one thing, the Travancore definition makes no reference to marriage, but the word is never used by the Christian community except in connection with

the marriage of the donee. It being admitted that the orphaned unmarried daughter (and like her the daughter who has been married without a *sthreedhanom* paid or promised) is entitled to a share, the question is what should that share be. Here it is that we are presented with divided counsel. It is the point where disagreement threatens to reach the borders of contention and strife. There are all casts of opinion, giving point to our assertion that there is no custom worthy of the name in regard to it. 59 witnesses stand for an equal share for a daughter with the sons of the deceased as against 32, for half, 42, for one-third, 173, for one-fourth and 57, for less than one-fourth of a son's share, 12, for the setting apart of a definite share of the whole estate for all the daughters together whatever their number, 24, for a dowry to them (on marriage) in a certain proportion to the value of the estate or the share of a son, 9, for a dowry the amount of which is to be left to the sons, while 2 of the witnesses would give daughters no share at all in the paternal estate. It will be seen that the majority are for giving a daughter one-fourth of the share of a son. Thus if a man dies possessed of Rs. 10,000 and leaves two sons and two daughters, the share of each son would be Rs. 4,000 and that of each daughter Rs. 1,000. In fixing this proportion there is no doubt that the witnesses have been to some extent influenced by the Travancore law. That influence has been exerted in two contrary ways, one, in the conversion of those who would have deprived daughters of all rights, the other, in the direction of attenuating, in the interests of uniformity, the share which would otherwise have been deemed proper. The particular proportion which a daughter's share should bear to a son's, if the two are not to share equally, is a mere incident. The battle is pitched between those who advocate an equal share for the daughter and those who oppose it. They are at issue on a question of principle. The one party say, sons and daughters are equally near of kin to the deceased and should therefore take the inheritance equally. The other party hold that the wealth of the deceased should go to those who perpetuate his name and line and daughters who on marriage go into another family should be more or less completely excluded. They say women must not be allowed to carry away the wealth of one family into another—in fact, to convey A's property to B, a complete stranger. In dealing with this question, the Travancore Committee regard it as "the

predominant principle underlying the various ancient systems of law obtaining in this country concerning the doctrine of ownership", that "all property belongs to the tribe or community or at least to the family" and that "one of the fundamental principles of the Christian religion is the recognition of the priceless value and the sacredness of the individual" which "conception of individualism underlies the Western systems of law." They nevertheless assert "It is not our business to enquire whether this growing spirit of individualism is better or worse than the old communal principle."

32. We do not emulate the detachment of spirit in which the Travancore Committee have declared it not their business to make the enquiry. Unfortunately, however, we cannot agree on the answer to the question. Our personal views can be, if at all, only one matter along with other matters for the consideration of the legislature. If the legislature had merely to judge what law would be most just or most conducive to the welfare of the community, it might adopt one of the two opposing views and reject the other. Should its opinion coincide with the general sense of the community, there is nothing to hinder its translation into law. But if the legislature should happen to differ from the majority, it will ask itself how far it may rightly impose its own views of right and wrong in the matter of inheritance and succession upon an unwilling community. It is conceivable that the legislature will refuse to enact a law which seems to it unjust even if importuned by the whole community. But if it decide to legislate at all, it may not on the one hand, flout the opinion of the majority, or, on the other, sacrifice to it, its own and the minority's sense of right. The legislature may take a middle course. At all events, we may properly suggest a middle course. Guided by these considerations, and candidly, as a mere matter of expediency, and compromise, we have agreed upon our recommendation. It is the same as that of the Travancore Committee, namely, that daughters should have a third of the share of a son. Any compromise fixing a certain fraction, must be arbitrary, and we cannot be sure that the legislature would compromise at all, or if it should, follow the line that we have taken. In Travancore the recommendation of the Committee was modified and the daughter's share reduced to a fourth, because the forces in favour of the utmost possible reduction of women's shares prevailed.

33. We have not followed the Travancore law in fixing a pecuniary limit to the share of a daughter. The Travancore Committee did not propose such a limit and we humbly think it should not have been introduced. Anyway, such a limit finds very slender support from the witnesses whom we have examined, only 57 of whom asked for it.

No pecuniary limit to daughter's share.

34. Nor have we provided for the compulsory commutation of a daughter's share into money. There is no adequate reason for such a commutation, which may be a further deduction from the already docked share of a daughter. When an estate is small, the parties may be left to make for themselves the adjustments most conducive to their mutual benefit. It may be that one of the sharers will prove a dog in the manger, but it is a contingency that may happen in any case of partition and a general enactment like the Partition Act No. IV of 1893 should meet the case.

No compulsory commutation.

35. A question of considerable difficulty which is brought to the front by the adoption of the principle that a son is on a higher footing than a daughter is how to divide the inheritance between a daughter and a son's daughter, when these are the sole surviving heirs. The *per stirpes* principle suggests that the son's daughter should get three times as much as the daughter. As both however are females and therefore potential or actual members of a stranger family, there is no ground for preferring the grand-daughter to the daughter: in kinship, the daughter is nearer. We have not been able to find a satisfactory solution of this difficulty and have allowed the *per stirpes* rule to prevail. The injustice, if any, exists not only in the case of the son's daughter, but also in the case of the brother's daughter in competition with the sister, and the uncle's daughter in competition with the aunt. The same problem arises when the daughter's daughter competes with the son's daughter; or the son's daughter with the son's grand-daughter. Without unduly complicating the scheme of inheritance, it is not possible to provide for all these cases. Further the son's daughter has something to say for herself. She may say "If my father had survived the intestate for a day, and died, I would have got three times as much as my aunt. Why should I get less merely because I have been left an orphan?" If there is any unfairness, it is the result of the

Daughter versus son's daughter.

discrimination made between sons and daughters and no patchwork will mend it.

Daughter-in-law.

36. Another perplexing problem is presented by the daughter-in-law. If the daughter is an actual or potential member of a different family and therefore her share must be curtailed, it may be argued that the daughter-in-law is a member of one's own family and should be given a share. This we have not recommended. It would be too singular a thing to do. The Travancore Committee resolved "It is not necessary to make in the proposed enactment any provision for the widowed daughter-in-law of any deceased person." They vouchsafe no reason.

Sister.

37. We have again departed from the Travancore law in allowing a sister to share with her brother in their deceased brother's estate in the same proportion as she does in their father's. This we think is but right, and we are supported by the majority of the witnesses. 192 of them take this view and 78 more would give a sister a share, but in other proportions, against only 65 who say that brothers should absolutely exclude sisters. Seeing that in the absence of lineal descendants, the father is to take the estate and when the father dies, the sister of the deceased will share along with the brothers, it is only consistent to say that when the father has predeceased the son, the same result should follow. In Chapter XIII of their Report the Travancore Committee mention it among the rules of inheritance generally recognised in Travancore that "among heirs of the same degree and related to the proprietor on the same side (that is, on the father's side or on the mother's side) and related to him in the same way (that is, whether by the full blood or by the half blood) the male heirs always absolutely exclude the female heirs except perhaps, when the heirs are in the descending line." It is clear from the figures given above that the case is very different in this State. The principle that we have therefore consistently adopted is to give the female heir a third of the share of her brother.

Widow.

38. Coming next to the widow, and first to the case where the deceased has left children, the analysis of the evidence is as follows: —

Those who would give nothing to the widow	6 witnesses
Those who would give something, but do not define it	4 „

Those who would give less than one-fourth of the estate		14 witnesses	
Do. one-fourth Do.	---	{	For life 16 Absolutely 13
Do. one-third Do.	---	{	For life 13 Absolutely 27
Do. one-half Do.	---	{	For life 16 Absolutely 3
Do. a share but less than a son's		{	For life 33 Absolutely 21
Do. a son's share Do.		{	For life 104 Absolutely 54
Do. the whole estate		{	For life 12 Absolutely 7

It will thus be seen that the majority favour the giving of a son's share for life, to a widow co-existing with children of the deceased.

39. In regard to life estates, almost every lawyer who has been examined deprecates the importation of such estates into our law. Though we have so far refrained from unduly burdening this Report with extracts from the evidence, we must make a departure now, since we are differing from the majority and from the Travancore law.

Life Estates.

Mr. P. V. Phillip, B. A., B. L., Chief Court Vakil said :—
“Widows must be given absolute interest, because I find from my experience as a lawyer that a life estate is a difficult problem. The former conception of a Christian widow was analogous to that of a Brahmin widow. But now, education and progress have changed the angle of vision. Generally I am for following the Travancore law with this difference — that they (women) should have absolute right instead of life estate and that illegitimate children should have a right to inherit their mother's property.”

Mr. P. K. Verghese, District Court Vakil said : — “The inheritance which the widow takes must be absolute.”

Mr. Thomas Manjuran, B. A., B. L., said : — “A widow co-existing with children should have a life estate in a share equal to that of a son. When there are no children she should have a life estate over the whole property when there is either father, mother, brother or sister. In all other cases the widow should get the whole property absolutely. I don't think that life estate is an estate recognised by the custom of the community. One reason for introducing life estate is that the reversioner should get the property in a depleted state rather

than go without any property at all. Another reason is that to give an absolute share to a widow will be a great departure from the existing custom."

Mr. C. V. Antony, B. A., B. L., District Magistrate said:—
"I am not for limiting the interest of the widows to a life estate. Life interest is unknown in practice in the community. I quite agree from the lawyer's point of view that to give a life estate to a widow is attended with many difficulties."

Mr. V. K. John, B. A., B. L., Chief Court Vakil said:—
"In the case of widows, I would follow the Indian Succession Act. I would add that if the deceased leaves neither father nor mother, nor brother nor sister, nor their children, the whole estate should go to the widow."

Mr. P. J. Mathen, B. A., B. L., said:— "In the proposed legislation I would provide for a widow co-existing with children, the share of a son absolutely: for a widow without children, half the estate absolutely. From my own standpoint, as well as a lawyer's standpoint, I am against providing for life estates in the proposed legislation. I would not make the estate taken by a widow surrenderable on remarriage because property should be inherited in accordance with the love that the deceased bore to the person taking the inheritance and should not be defeated by events occurring subsequently."

Mr. S. C. Lonappan, B. A., B. L., said:— "I am for giving an absolute share to a widow. So far as the widow is concerned I would follow the final resolutions of the majority of the Travancore Committee. I do not regard it as an objection to giving widows a share absolutely that she may alienate it, or on remarriage take it to another family. On the other hand I consider that maintenance arrangements and life estates are very unsatisfactory."

Mr. M. C. Joseph, Vakil, Irinjalakkuda said:— "I am for giving absolute right to widows. If there are children of the deceased, a widow is to have a share equal to that of a son. If there are only daughters, she should have a daughter's share."

Mr. Thekkekkara Iype, Vakil, Kunnampulam, said:—
"A widow co-existing with children must be given a son's

share with power of alienation only to the extent of half of her share. When she dies, the property goes to her heirs. A widow not co-existing with children should take one-third of the husband's property absolutely. Any property of the husband's left in the widow's hands on remarriage must go back to her husband's heirs."

Mr. K. J. Paul, Vakil, Irinjalakkuda, said: — "A widow co-existing with children must get an equal share with a son absolutely not surrenderable on remarriage. A widow not co-existing with children must get half of the whole estate absolutely."

Mr. K. D. Antony, B. A., B. L., Vakil, Trichur, said: — "A widow co-existing with children of the deceased husband must have a daughter's share surrenderable on remarriage. It is a life estate terminable on remarriage. The obstacles, if any, created by this to the remarriage of widows are not in my opinion grave enough to be taken into account. In the matter of legislation, it is desirable, as far as possible, to conform to existing usage. Since that usage does not recognise any share to the widow, my opinion is that a widow need not be given a share absolutely. A widow not co-existing with children must have a life estate in not more than half the estate of the deceased terminable on remarriage. I would not allow the widow any latitude to dispose of her share in case of necessity; because otherwise, we will have to build up a doctrine of legal necessity, which is very difficult."

Mr. C. R. Iyyunni, M. A., B. L., Vakil, Trichur, said: — "The widow co-existing with the children of the deceased should be given a third of the entire estate not exceeding the share of a son absolutely. If the widow has left no children, the widow may be given two-fifth of the estate absolutely. My reason is that life estates lead to a great deal of litigation."

Mr. C. T. Chakko, Second Grade Pleader, Talapilly, said:— "Life estates are in vogue in the case of widows, but it is very rare and the occasions also are very rare. I know only one instance, in which the life estate was created by a karar."

Mr. C. V. Itloop, B. A., B. L., District Registrar, would give no share of real property to either daughters or the widow. In his view, they may share the personal property and this, absolutely. He agrees with the remarks of the Travancore Committee in paragraph 366 of their Report, (quoted below).

Mr. C. A. Ouseph, B. A., B. L., Vakil, Trichur, said : —
“ She need not surrender on remarriage. Restricted and conditional estates are foreign to our system and should not be imported. They are not calculated to conduce to the best management and development of property.”

40. We have extracted the evidence given before us by all the lawyer witnesses examined. There can be no doubt on which side of the question legal wisdom is ranged. Only three Vakils have favoured life estates. One of them, Mr. Thomas Manjuran, admits that life estates are not recognised by the custom of the community. Mr. K. D. Antony would not mitigate the lot of the widow even to the extent to which the Hindu law has mitigated it by giving her a power of alienation in case of necessity, because he says, “ we shall have to build up a doctrine of legal necessity, which is very difficult.” Mr. C. T. Chakko is able to refer to only one instance of a life estate and that was created by a karar. It should be noted that the Travancore Committee did not recommend the creation of restricted estates and are not responsible for its introduction into the Regulation that was ultimately passed. On the other hand they say : — “ Restricted estates like those obtaining under the Hindu law give rise to much litigation in communities among whom such estates are recognised. Mere life estates, as that term is understood by English lawyers, are not known to any system of law in this country. If either of these forms of limited estate is created, the chances are that the property will deteriorate and the community will become the poorer; for, the person who has only a restricted interest will care only to make the best out of the property and not to do anything to improve the estate or even to prevent its deterioration. Again, with regard to personal property such a system is not workable at all; for, if the widow takes it into her head to dispose of the moveables, the reversioners will have no means to get at the same after her death. To quote once more from the statement of Mr. E. J. John, to give a life estate to a widow would be inviting complications and litigation which necessarily attend upon life estates and the chances are that in such cases, the property will be allowed to deteriorate.” Life estates are discredited even in Hindu law, not by the vote of impetuous reform, but by the verdict of mellow wisdom. Mr. Justice Sadasiva Iyer in I. L. R. 41 Madras, page 676, observed : — “ It must also be remembered that under the more ancient and liberal Hindu law, a wife as

heir of her husband succeeding as his remaining half and a mother succeeding to her son who was her own flesh and blood had full and absolute rights of ownership; and it is only mediaeval pious text interpolators and reactionary commentators with low views of women's position and morals that took advantage of texts intended for the chivalrous protection of the properties of women by men, a vedic text about women being *Nirindriyas* (whose meaning was twisted and perverted beyond recognition) and mere moral precepts to widows as to the conduct of noble Sadhwees, that had made a female heir almost a trustee for the future and unascertained reversioner who might happen to be the heir of her husband or her son at her death instead of making the inheritance pass to her own heirs." It being a fact beyond doubt that life estates are unknown to our law, the path of widom is not to disregard such weighty objections to its introduction, as have been cited. It is the point, if any, upon which lawyers have a better right to speak than laymen. While therefore we cannot possibly give in to the majority on the question of life estates, we propose to meet them, as it were, half way, by providing that the widow shall not have as much as a son, but only two-thirds as much when the intestate has left lineal descendants in the male line.

41. For similar reasons, we are opposed to provisions for maintenance out of the property of an intestate. Maintenance rights charged on property are difficult to enforce and are a prolific source of litigation.

Maintenance arrangements.

42. Turning next to the share which should be given to a widow when the deceased has left no children, the balance of evidence is as follows:—

Widow, when there are no children.

Witnesses who would give maintenance or a life estate or a share fixing no proportion	54
Those who would give less than a 4th share of the estate	18
Those who would give a 4th	{ Life estate 25 { Absolutely 23
Those who would give one-third	{ Life Estate 19 { Absolutely 18
Do. half	{ Life Estate 47 { Absolutely 42
Do. whole	{ Life Estate 90 { Absolutely 33

It will thus be seen that the *majority* of witnesses would give the whole estate to the childless widow, some as a life estate and the others absolutely. We think however that there is a good deal to be said on the side of those who would not give the whole, but would leave something to the next of kin. What we propose in this connection is to follow the Travancore law, except of course in the restriction of the widow's powers.

Remarriage of widow.

43. In regard to the question whether the widow should surrender her share on remarriage, 233 witnesses say she should, while 124, give her an absolute right over the whole of her share, 47, give her an absolute right over a portion of her share and 63, allow her to alienate her share for legal necessity. Thus it may be said that opinion on this point is more or less evenly balanced. So far as we are concerned, since we are recommending an absolute right to the widow and not a life estate, it is only consistent to say that she should not be compelled to surrender her share on remarriage. There is no good reason why what is given to her as her husband's heir should be resumed, merely because she takes a step which is, by the common consent of Christendom, above reproach.

Widower.

44. With regard to the widower, the evidence is balanced as follows:— *First, when there are children of the deceased:—*

Those who would give nothing	77
Those who would give less than a son's share	20
Those who would give a son's share	{ Life Estate 63 Absolutely 53
Those who would give only maintenance	18
Those who would give a portion of the estate but less than a fourth	4
Those who would give a portion, but do not specify it	2
Those who would give a quarter of the estate	{ Life Estate 7 Absolutely 12
Do. third	{ Life Estate 9 Absolutely 24
Do. half	{ Life Estate 8 Absolutely 8
Do. entire estate	{ Life Estate 20 Absolutely 21

Next, when the deceased has left no children.

Those who would give nothing	72				
Do. less than a fourth of the estate	13				
Do. fourth	<table border="0"> <tr> <td>{ Life Estate</td> <td align="right">10</td> </tr> <tr> <td>{ Absolutely</td> <td align="right">19</td> </tr> </table>	{ Life Estate	10	{ Absolutely	19
{ Life Estate	10				
{ Absolutely	19				
Do. third	<table border="0"> <tr> <td>{ Life Estate</td> <td align="right">7</td> </tr> <tr> <td>{ Absolutely</td> <td align="right">17</td> </tr> </table>	{ Life Estate	7	{ Absolutely	17
{ Life Estate	7				
{ Absolutely	17				
Do. half	<table border="0"> <tr> <td>{ Life Estate</td> <td align="right">44</td> </tr> <tr> <td>{ Absolutely</td> <td align="right">50</td> </tr> </table>	{ Life Estate	44	{ Absolutely	50
{ Life Estate	44				
{ Absolutely	50				
Do. whole	<table border="0"> <tr> <td>{ Life Estate</td> <td align="right">46</td> </tr> <tr> <td>{ Absolutely</td> <td align="right">36</td> </tr> </table>	{ Life Estate	46	{ Absolutely	36
{ Life Estate	46				
{ Absolutely	36				
Do. some share not specified	8				
Those who would give the same rights to the widower as they give to the widow	172				
Those who want the widower to surrender his rights on remarriage	108				

We think it is only reasonable that a widower should have the same share in his deceased wife's property as the widow has in her husband's and, in this view, we follow Travancore.

45. Coming now to the mother's share, the evidence stands as follows :—

Mother.

Those who would allow the mother to succeed along with the father	111
Those who would allow her after the father but in preference to brothers	56
Those who would let her come in along with the brothers	192
Those who say that brothers exclude the mother	48

We consider that the Travancore law may be followed in this respect and the mother given, (subject to the widow's share) when there are neither lineal descendants nor father, the share of a brother or sister as the case may be; in the absence of brothers, sisters or their descendants, one half of the property; and in the absence of these as well as the paternal grandfather and his descendants, the whole. While 130 witnesses

would give the mother an absolute right in her share, 148 would either restrict her right or give her mere maintenance and 78 would resume her share on remarriage. For the general reasons already given by us in relation to the widow, we are of opinion that the share of the mother should be absolute.

Sister.

46. Turning next to the sister, the witnesses who say that brothers should absolutely exclude sisters are 65; those that give them a share in the same proportion as sons and daughters, 192; those who give them equal rights, 104; and those that would give the sister a share, but fix a different proportion than any of the above, 78. As already pointed out, we accept the view of the majority who in this respect differ from their brethren in Travancore.

Father.

47. We follow Travancore and British India in recommending that the father should come in immediately after the lineal descendants and should totally exclude his own descendants as well as the mother of the deceased. This is also the view of the large majority of witnesses examined *viva voce* and is consistent with the principle that the nearer in degree excludes the more remote.

Testamentary Succession
not dealt with.

48. We do not think it is necessary at the present stage, to enact any special law regarding testamentary succession among Christians. There is no doubt at all that Christians in this State enjoy full testamentary liberty. Any enactment on the subject must in the main relate only to the interpretation and construction of wills—a matter of codification, rather than investigation.

49. The further recommendations that we make, on which it seems unnecessary to dwell in this report, will be seen from the appended bill.

P. I. Varugis.

M. A. Chakko.

Joseph Thaliath.

V. D. Ouseph.

Fr. Michael Nelavareth.

N. O. Inasu.

P. C. Varchy.

APPENDIX A.

DRAFT REGULATION.

Whereas it is expedient to amend and define the rules of law applicable to intestate succession among Christians in the Cochin State, it is hereby enacted as follows:—

Preamble.

PART I.

PRELIMINARY.

1. This Regulation may be cited as the Cochin Christian Succession Regulation.

Short title.

2. Except as provided by this Regulation or by any other law for the time being in force, the rules herein contained shall constitute the law of Cochin applicable to all cases of intestate succession among Christians.

Act to constitute law of Cochin in cases of intestate succession.

2. (1) Nothing herein contained shall be deemed to affect succession to the property of

Saving clause.

(a) members of the European, Anglo-Indian and Parangi communities,

(b) the Tamil Christians of Chittur Taluk, who follow the Hindu law,

or (c) any intestacy occurring before the date on which this Regulation comes into force.

3. In this Regulation, unless there be something repugnant in the subject or context,

Interpretation clause.

“Sthreedhanom” means any property given to a woman, or in trust for her to her, husband, his parent, or guardian, in connection with her marriage, and in fulfilment of a term of the marriage treaty in that behalf.

“Sthreedhanom.”

“Son”, “Daughter” or any word which expresses relationship denotes only a legitimate relative.

Words expressing relationship denote only legitimate relatives.

When owing to any physical defect or deformity it is not possible to ascertain the sex of any of the heirs of an intestate, such heir shall for the purposes of this Regulation, be regarded as a female.

4. Succession to immoveable property situated in Cochin and belonging to a Christian, is regulated by this Regulation, wherever he may have had his domicile at the time of his death.

Law regulating succession to a deceased person's immoveable and moveable property respectively.

Succession to the moveable property of a deceased Christian is regulated by the law of the country in which he had his domicile at the time of his death.

Succession to moveable property in Cochin in the absence of proof of domicile.

5. If a Christian dies leaving moveable property in Cochin, in the absence of proof of any domicile elsewhere, succession to the property is regulated by this Regulation.

Kindred or consanguinity.

6. Kindred or consanguinity is the connection or relation of persons descended from the same stock or common ancestor.

Lineal consanguinity.

Lineal consanguinity is that which subsists between two persons, one of whom is descended in a direct line from the other, as between a man and his father, grandfather and great-grandfather and so upwards in the direct ascending line; or between a man, his son, grandson, greatgrandson, and so downwards in the direct descending line.

Every generation constitutes a degree, either ascending or descending.

A man's father is related to him in the first degree, and so likewise is his son; his grandfather and grandson in the second degree; his greatgrandfather and greatgrandson in the third.

Collateral consanguinity.

Collateral consanguinity is that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in a direct line from the other.

For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is proper to reckon upwards from the person deceased to the common stock, and then downwards to the collateral relative, allowing a degree for each person, both ascending and descending.

No distinction between those born and those conceived in lifetime of the deceased.

7. For the purpose of succession, there is no distinction between those who were actually born in the lifetime of a person deceased and those who at the date of his death were only conceived in the womb, but have been subsequently born alive.

Property held to be similar.

8. For the purpose of succession, there is no distinction between self-acquired property and ancestral property or between the property of a male and that of a female.

PART II. OF INTESTACY.

9. A man is considered to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.

As to what property deceased considered to have died intestate.

Illustrations.

(a) A has left no will. He has died intestate in respect of the whole of his property.

(b) A has left a will, whereby he has appointed B his executor; but the will contains no other provisions. A has died intestate in respect of the distribution of his property.

(c) A has bequeathed his whole property for an illegal purpose. A has died intestate in respect of the distribution of his property.

(d) A has bequeathed 1,000 rupees to B, and 1,000 rupees to the eldest son of C, and has made no other bequest; and has died leaving the sum of 2,000 rupees and no other property. C died before A without having ever had a son. A has died intestate in respect of the distribution of 1,000 rupees.

10. Such property devolves upon the wife or husband or upon those who are of the kindred of the deceased, in the order and according to the rules herein prescribed.

Devolution of such property.

11. Where the intestate has left a widow if he has also left a son, or lineal descendant of a son, a share equal to two-thirds of that of a son shall belong to her.

Where widow and son or lineal descendant of son are left.

12. Where the intestate has left a widow, if he has also left lineal descendants, but no son or a lineal descendant of a son, a share equal to that of a daughter shall belong to her.

Where widow and daughter or daughter's lineal descendants are left.

13. If the intestate has left no lineal descendants, but has left his father or mother, or paternal grandfather or any lineal descendants of his father or paternal grandfather, one half of his property shall belong to his widow.

Where no lineal descendants are left, widow's share.

14. If he has left none of the kindred referred to in sections 12 and 13, the whole of his property shall belong to his widow.

When widow gets entire property.

15. The husband surviving his wife has the same rights in respect of her property if she die intestate, as the widow has in respect of her husband's property if he die intestate.

Widower's rights same as widow's.

Where no widow, but lineal descendants left.

16. Where the intestate has left no widow, his property shall go to his lineal descendants or to those who are of kindred to him, not being lineal descendants, according to the rules herein contained; and if he has left none who is of kindred to him, it shall go to the Sirkar.

PART III.

OF THE DISTRIBUTION OF AN INTESTATE'S PROPERTY.

(a) *Where he has left lineal descendants.*

Rules of distribution.

17. The rules for the distribution of the intestate's property (after deducting the widow's share if he has left a widow) among his lineal descendants are as follow:—

Rule of exclusion.

18. Every lineal descendant of the intestate who survives him, excludes, from the inheritance, his own descendants.

Where only one lineal descendant.

19. If the intestate has left surviving him only one lineal descendant not excluded by the operation of the preceding section, the property shall belong to him.

Where more than one lineal descendant.

20. If the intestate has left more than one such lineal descendant, they shall divide the inheritance as follows:

(a) If all of them are the sons of the intestate, or if all of them are his daughters, equally.

(b) If some of them are his sons and the others are his daughters, each daughter shall take one-third of the share of a son.

(c) If some or all of them are related to him more remotely than in the first degree, the property shall be divided into such a number of shares as shall correspond with the number of his children who either survived the intestate or died before the intestate leaving lineal descendants surviving the intestate; the shares so allotted shall bear the same ratio to each other as if such children had all survived the intestate; the children of the intestate, if any, who survived him shall take the shares so allotted to them; the share of each of the remaining children shall be divided among his or her lineal descendants *per stirpes* and in such manner that the share allotted to a female who either survived the intestate or died before him leaving lineal descendants surviving him, shall be equal to that of each of such her sisters and one-third of each of such her brothers, and the share allotted to a male, who

either survived the intestate or died before the intestate leaving lineal descendants surviving the intestate shall be equal to that of each of such his brothers, as either survived the intestate or died before the intestate, leaving lineal descendants surviving the intestate.

Illustration to (C.)

A has three children, John, Jacob and Joanna. John has two sons, Jacob has two daughters and Joanna has three children, Mathew, Mary and Martha, of whom Mathew has two children Thomas and Teresa. Jacob, Joanna and Mathew predecease A. The property of A shall be divided as follows:— $\frac{3}{7}$ to John; John's children are excluded; $\frac{1}{2}$ of $\frac{3}{7}$ to each of the daughters of Jacob; $\frac{1}{5}$ of $\frac{1}{7}$ to Mary; $\frac{1}{5}$ of $\frac{1}{7}$ to Martha; $\frac{3}{4}$ of $\frac{3}{5}$ of $\frac{1}{7}$ to Thomas; and $\frac{1}{4}$ of $\frac{3}{5}$ of $\frac{1}{7}$ to Teresa.

21. (a) For the purpose of determining the share of a woman or her lineal descendants, as the case may be, at the intestacy of her father, mother, paternal grandfather, or paternal grandmother, when a sthreedhanom had been given or contracted to be given, to, or in trust for, her by any of her said ascendants whosoever, the amount of her sthreedhanom, or its value at the date of the intestacy, if it was not money, shall be brought into hotchpot.

Sthreedhanom brought into hotchpot.

Proviso 1. Nothing in this section shall be construed to make a woman or her lineal descendant liable to refund any portion of her sthreedhanom or its value.

Proviso 2. When the sthreedhanom of a woman has been once brought into hotchpot, and a share given or become due as provided in this section, it shall not be brought into hotchpot again at any subsequent intestacy.

21. (b) The sthreedhanom which an intestate contracted to give shall be a charge on his estate.

Sthreedhanom a charge on estate.

22. Notwithstanding anything in the foregoing provisions of this Regulation, when a sthreedhanom has been given or contracted to be given by the father, mother, paternal grandfather, or paternal grandmother, of a woman, to or in trust for, her, neither the said woman nor any lineal descendant of hers as such, shall be entitled to a distributive share in the property of any of them dying intestate, if (1) a brother of the said woman, being a lineal descendant of the intestate, or (2) the lineal descendant of such a brother, survive the intestate.

Exclusion of woman who has received sthreedhanom.

Passarom, no necessary presumption from.

23. Notwithstanding proof that a Passarom was paid to the church on the occasion of a marriage, it is a question of fact,

(a) whether any Sthreedhanom was given or contracted to be given, and

(b) whether the amount fixed for calculating the passarom as its sub-multiple is the amount of the Sthreedhanom given or contracted to be given.

(b) *Where the intestate has left no lineal descendants.*

Where no lineal descendants are left.

24. Where the intestate has left no lineal descendants; the rules for the distribution of his property (after deducting the widow's share, if he has left a widow) are as follow:—

Father's right.

25. If the intestate's father is living he shall succeed to the property.

Mother, when there are brothers or descendants of brothers.

26. If the intestate's father is dead, but the intestate's mother is living and there are also brothers of the intestate by the same father who either survive him or having predeceased him, have left lineal descendants surviving him, a share equal to that of such a brother shall belong to the mother.

Mother, when there are sisters or their descendants.

27. If the intestate's father is dead, but the intestate's mother is living, and there are no kindred of the class mentioned in the preceding section, but there are sisters of the intestate by the same father, who survive the intestate or having predeceased him, have left lineal descendants surviving the intestate, a share equal to that of such a sister shall belong to the mother.

Mother when paternal grandfather or his descendants living.

28. When the intestate's mother is living and he has left none of the other kindred referred to in sections 25 to 27, but his paternal grandfather or the lineal descendants of his paternal grandfather is or are living, one half of his property shall belong to his mother.

Mother in other cases.

29. When the intestate's mother is living and he has left none of the other kindred mentioned in sections 25 to 28, the property shall belong to his mother.

Sections 31 to 34 subject to sections 26 to 29.

30. The rules of succession stated hereunder in sections 31 to 34 are subject to the provisions of sections 26 to 29.

31. If the intestate's father is dead, the property shall be inherited by the lineal descendants of the father in the same manner as it would if the father survived him and died intestate immediately after, leaving no widow.

Where father is dead leaving lineal descendants.

32. If the intestate's father is dead, and there are no lineal descendants of the father, the property shall go to the paternal grandfather of the intestate.

Right of paternal grandfather.

33. If the intestate's paternal grandfather is dead, the property shall be inherited by the lineal descendants of the paternal grandfather in the same manner as if the paternal grandfather survived the intestate and died intestate immediately after, leaving no widow.

Where paternal grandfather is dead.

34. If the paternal grandfather is dead, and there are no lineal descendants of the paternal grandfather surviving the intestate, the property shall belong to the paternal grandmother.

Right of paternal grandmother.

35. Where the intestate has left no widow nor any kindred capable of inheriting under the preceding rules, his property shall be divided equally among those of his relatives who are in the nearest degree of kindred to him.

Where intestate left none of the foregoing kindred.

36. Notwithstanding anything herein contained to the contrary, illegitimate children or their lineal descendants are entitled to inherit the property of their mother, subject to the share which devolves on her husband if any, as if they were legitimate, when she has left surviving her no legitimate child or lineal descendant of a legitimate child.

Illegitimate children.

APPENDIX B.

A MINUTE.

1. It is "as a mere matter of expediency and compromise" avers the Report, that the members of the Committee agreed on the recommendation to give an unendowed daughter a third of the share of a son. In making this accommodation, the advocates of equal shares, were influenced solely by the fact that the majority of the witnesses would only give her a fourth. The opposite party, conceding something on their part, yielded one twelfth more. The merits of the controversy are not touched in the Report. The numerical support for either view, though it may be the deciding factor, cannot be called the 'merits'. We owe it to Government, to ourselves and to the community to say a few words on the 'merits' of the question, as we appraise them—to Government because it has called for an expression of our views, to ourselves, in loyalty to our convictions, and to the community, because we humbly consider that the proposed law is prejudicial to its highest interests. We do not say, 'we are the wise and wisdom will die with us', but only 'lend us your ears.' This, we say, not wholly for love of propaganda, but because, as members of this Committee, having had special opportunities of studying the question, we lie under an obligation. At the least, if we can show that there is something to be said in support of Consanguinity as the true rule of inheritance, it may serve to justify the concession made by the opposite party and procure their acquittal at the bar of public opinion, even though we stand condemned.

The occasion for this Minute.

2. What the whole question of women's rights turns on, is the position of the Daughter in the home. The Ancients regarded her as useless for the family in which she was born. Her value was for the family into which she was married, which she supplied with sons from the fruit of her womb. The continuity of a family is maintained by generation after generation of male descendants. It was therefore to them that wealth descended. If Descent be inheritance by Individuals, there was no Descent at all. Individuals came and went. The family went on for ever. So does a modern Corporation. That the family is the unit of social computation, not the Individual, is the universal theory of the Ancients. When a larger family broke up, it was into smaller families, not into indivi-

The pivot of Women's rights.

duals. The individual existed for the sake of his family, clan, or State. In them he found or lost his identity.

The communal holding of property.

3. The researches of historical jurisprudence have established that the communal holding of property everywhere preceded individual ownership. Sir Henry Maine says: —
“The result of the evidence derived from comparative jurisprudence is to establish that view of the primeval condition of the human race which is known as the Patriarchal theory. There is no doubt of course that this theory was originally based on the scriptural history of the Hebrew Patriarchs in Lower Asia. It is to be noted however that the legal testimony comes nearly exclusively from the institutions of societies belonging to the Indo-European stock, the Romans, Hindus, and Slavonians supplying the greater part of it; and indeed the difficulty at the present stage of the enquiry, is to know where to stop, to say of what races of men it is not allowable to lay down that the society in which they are united was originally organised on the Patriarchal model. It is just here that archaic law renders us one of the greatest of its services, and fills up a gap which otherwise could only have been bridged by conjecture. It is full in all its provinces, of the clearest indications that society in primitive times was not what it is assumed to be at present, a collection of individuals. In fact, and in the view of the men who composed it, it was an *aggregation of families*. The contrast may be most forcibly expressed by saying that the *unit* of an ancient society was the Family, of a modern society, the individual. We must be prepared to find in ancient law all the consequences of this difference. It is so framed as to be adjusted to a system of small independent corporations. It takes a view of life wholly unlike any which appears in developed jurisprudence. Corporations never die, and accordingly primitive law considers the entities with which it deals, i. e., the patriarchal or family groups as perpetual and inextinguishable. A female name closes the branch or twig of the genealogy in which it occurs. None of the descendants of a female are included in the primitive notion of family relationship. It is obvious that the organisation of primitive societies would have been confounded if men had called themselves relatives of their mother’s relatives,”

4. It is easy to cite other authorities to prove the same thing, but no one at the present day disputes it. We would however draw attention to the way in which the coherence of the family and the conservation of its wealth were consolidated by Religion. Each family had its deity or deified ancestor, and each man owed a religious duty to his forefathers. He not only offered sacrifices and oblations to them, but made up by his devotions what might have been wanting for salvation in their own merit. Each home was a shrine, its wealth, an inalienable endowment, and its sons, its hereditary priests—lest the fire of sacrifice go out upon its altar.

Consolidated by religion.

5. The knowledge of the history of a malady is the first step in the science of its treatment. Similarly, before attempting to say what ought to be, it is necessary to find the true historical explanation of what is. The real cause of the strong sentiment against inheritance by daughters is that our forefathers thought of society in terms of families, not individuals, and tradition stereotyped the attitude towards women which that formula set. Hence it is that so many of the witnesses cry 'Woe' and declare that the 'taravad' is doomed if daughters are allowed to inherit. It is especially necessary to make this point clear lest the reasons adduced by intelligent conservatism to defend the present practice be supposed to underlie it, and we, reproached with undermining foundations securely laid by our sage ancestors. We do not deny that those reasons, if sound in themselves, will justify the continuance of the attitude of mind which we attack. That new reasons should be brought forward to prop up old customs is, however, a well-known phenomenon in the history of Jurisprudence. Holmes has described it in his famous work on the Common Law. "A very common phenomenon, and "one very familiar to the student of history is this: -- the "customs, beliefs or needs of a primitive time establish a rule "or formula. In the course of centuries the custom, belief or "necessity disappears, but the rule remains. The reason which "gave rise to the rule has been forgotten, and ingenious "minds set themselves to enquire how it is to be accounted "for. Some ground of policy is thought of, which seems to "explain it and to reconcile it with the present state of things "and then the rule adapts itself to the new reasons which "have been found for it, and enters upon a new career."

Historical explanation of present attitude.

6. If it be clear that the exclusion of women from inheritance is based on Familism, we have next to see how much of this foundation remains at the present day and how much has crumbled away.

Foundation, destroyed.

7. Neither as a legal, nor as a religious, institution do we retain the joint family of our forefathers. All our property, whether self-acquired or ancestral, is held individually, not collectively. Sons get no right by birth in ancestral property as they should, if wealth were held by the family. The individual owner may do what he likes with his inherited as well as his self-acquired wealth. Even when property is undivided, it is held not jointly, but "in common." Each heir of the last holder has his definite share in it which he may divide off as and when he likes and which his death will not impair. Thus there is not a vestige left in our law, of the old doctrine of the joint family, and the historical basis for the exclusion of women from the inheritance has entirely disappeared. What sapped it? While the communities that surround us are still under the thralldom of the joint family, we go at large. What set us free? The individualistic ideals of our religion, nothing else. Set before us as the supreme quest, is not the spurious immortality of the ancients, the perpetuation of a line of descendants, nor yet the ideal, however philosophical, of absorption into undifferentiated Being, but a personal self-conscious immortality, supernal, transcending space and time. Consequently, we make it our business in this world, not to found dynasties and endow them with entailed realms, but to develop personality to the full measure of its capacity and build up in character, a possession that moth and rust cannot corrupt. In this enterprise, there is neither male nor female. All seek the same goal. Wealth is not for sacrifices, on behalf of ancestors, but, being a synonym for opportunity, is for the individual, to subserve the ideal end of life. Like his talents and privileges he may misuse it, but like them its proper use is to make, of him, a better man. The scoffer may say that we are mistaking ideals for facts, but a very slender acquaintance with the history of laws will show that spiritual ideas work themselves out in temporal laws even when secular practice lags behind religious precept. It has been said that if a man were allowed to make all the ballads of a nation, he need not care who made its laws. If this is true of ballads, much more is it of creeds. Just as the deification of ancestors attracted the rule of the

indivisible joint family, the doctrine of personal responsibility finds its affinities in the law of individual ownership. The proof that we are not woolgathering is in the history of all countries where Christianity has overcome the pestilence of customs which, outliving their utility, corrupt the world.

8. In Roman law the lead seems to have been given by the Stoic Philosophy which, like Christianity, laid great stress on individual character. But the lead so given was followed up and carried to full fruition by Christianity. Lee (Historical Jurisprudence) speaking of "the breaking down of the idea of marriage as creating a *manus*, and of the law of Valentinian the younger, by which the children of daughters inherited alike with the children of sons", says "The ties of blood and not
" merely those of law, were made the basis of family union.
" No distinctions were made between male and female lines.
" Descendants generally inherited; in default of descendants,
" then ascendants; next coming, the collaterals. These and
" similar modifications in the law were by no means wholly due
" to the influence of Christianity. Although the softening of
" manners and the increased respect for purity were largely due
" to the influence of the Church, there existed at the same time
" another powerful influence, that of the Stoic Philosophy.
" This laid stress upon the importance of the individual as
" such. He was no longer of moral and religious value merely
" as a member of the family; it was his duty to cultivate his
" ethical nature, to attain the ideal which was held before him
" by his philosophy. Such a system of thought magnifying
" the worth, importance and value of the individual life, was
" embraced by the most earnest and energetic men. It
" numbered many adherents among the upper classes. An
" Emperor - Marcus Aurelius—has left a work based upon its
" teachings. The effects upon law which would naturally
" follow from this philosophy were precisely those which are
" popularly ascribed to the influence of the Christian church.
" As a matter of fact the important modifications of the law,
" due to a fuller recognition of the individual as a moral person-
" ality with peculiar rights, were mostly earlier than the re-
" cognition of Christianity by the State; though the Christian
" Church can claim the honour of perfecting that which Stoicism
" inaugurated and carried a long way towards realisation." Says
" Sir Henry Mayne "The movement of the progressive societies
" has been uniform in one respect. Through all its course it has

Influence of Christianity.

“ been distinguished by the gradual dissolution of family de-
“ pendency and the growth of individual obligation in its place.
“ The individual is steadily substituted for the family, as the
“ unit of which civil laws take account. The advance has
“ been accomplished at varying rates of celerity, and there are
“ societies, not absolutely stationary, in which the collapse of
“ the ancient organisation can only be perceived by careful
“ study of the phenomena they present. But whatever its pace,
“ the change has not been subject to reaction or recoil, and
“ apparent retardations will be found to have been occasioned
“ through the absorption of archaic ideas and customs from
“ some entirely foreign source.”

The universal line of
progress.

9. We therefore take it that it is on account of the impli-
cations of our religion, as gradually they came to be realised
by the community, that we cast off the joint family holding
of property in favour of individual ownership. Whether by
the conscious reception of Christian culture or by the evolu-
tion of moral ideas in the same direction, we find our Hindu
brethren pressing forward after us. Will they outstrip us ?
Gour in his Hindu Code, speaking of women's rights, says
“ But the fact is that women's rights had not developed when
“ the Mithakshara was written and its subsequent acceptance
“ by courts as the last word in Hindu law has stereotyped the
“ iniquity, which, however justified in a patriarchal age, is
“ wholly unsuitable to modern times.”

10. It is beyond a doubt that everywhere the line of progress
is from a joint family conception of the rights, duties and
interests of mankind to the idea that the great end of life is
the self-realisation of the individual. In loyalty to the teach-
ing of our religion, we, like all “progressive societies” have
adopted the latter faith. Deprived thus of its foundation, the
theory that a daughter has no place at her father's hearth
hangs in the air. It must be deemed a pure anachronism or
an outworn skin not sloughed off. Why is it allowed to re-
main ? Only because of the attitude of mind, bred by the
ancient system, which regards women as an inferior order of
beings, an attitude stiffened by the example of the communi-
ties about us and by the unhappy disparity between male and
female education within the community itself. We have then,
on the one side, not, as might be supposed, an institution based
on the ineffable wisdom of our forefathers, withstanding the
shock of time, but a mere prejudice hanging in the air without

a support, and on the other side, the appeal of the highest dictates of our religion, the example of all civilised countries, and the aspirations of every enlightened body of men.

11. Mention may be made of the economic reasons which render individual ownership superior in the modern world to family ownership. To our mind, they are of secondary importance. The argument which we regard as impregnable is that no law should be imposed on our community but such as is in harmony with the spirit of Christianity. Nevertheless, should one decline to rise to this plane of reasoning and be content to view the question from the economic standpoint, he would find little to commend itself in the doctrine that wealth should be conserved in the family for the sake of generations unborn, the living members thereof being reduced to such doles from the income as are indispensable for sustenance. This is the theory upon which the social polity of the Nambudris and the Nairs is built up. However suitable such a system, whose chief concern is to save from destitution, rather than equip for success, might have been to ancient times, it is out of date in the modern world whose prizes are for Training and Initiative, not Prestige and Privilege. Wealth purchases Training and finances Initiative. Indivisible capital, nothing ventures and nothing wins, but "stagnates in the pools of sloth." . . . If co-operation is needed, it is not that of kinsmen, but of free shareholders, combining for a single definite economic purpose. Contract, the free consent of individuals, is substituted for kinship, to supplement individual efficiency. Wisely therefore, not only from the point of view of spiritual, but also of material interests, have we discarded the joint family swaddling clothes, suitable for the earliest infancy of the community. Why carry in our adult kit a bit of rag out of those very swaddling clothes—the agnatic bias?

Economic point of view.

12. The objection that we have been considering, namely that a woman is the terminus of the family, "*Mulier est finis familiae*" because she is a stock not in the joint family in which she is born, but in the joint family into which she is married, must be distinguished from another, though allied, objection, which, like it, is expressed in the proposition that a woman when married goes into another family. In the latter objection, the family referred to is not the joint family of which the husband is a member, but the smaller family

The objection that the wife's personality is merged in her husband's.

composed of the married couple and their children. The point of the objection here is not the integrity of the family, to be maintained by excluding daughters, but the essential subordination of the wife to her husband, which makes it inexpedient or improper to give her any wealth of her own. This view regards the wife's personality as merged and absorbed in that of her husband, to such an extent that giving anything to the wife is giving it to her husband, and since by no stretch of imagination can a son-in-law be heir to his father-in-law it is advisable to refuse shares to daughters. The answer to this objection must depend on the question, what is the status of a married woman in relation to her lord. It is true that the old school which regarded women as "lesser man" not "diverse", denied full personality to the wife. People went the length of saying that while man worshipped his creator, it was enough for a woman to worship her husband. But such notions are inconsistent with the light that we possess, if not as a cultured community, at any rate, as Christians. Lord Bryce, summing up his article on Marriage and Divorce (*Studies in History and Jurisprudence*), says "A few words more to sum up the general result of our survey. We have seen that the relations of the wife to her husband have been regulated, sometimes by one, sometimes by the other of two systems which have been called those of Subordination and Equality. By Equality I do not mean any recognition of identity or even similarity as respects capacity and practical work (though the tendency is in that direction) but the equal possession of private civil rights and the admission of an individuality entitled to equal respect and an equally free play of action. Such equality is perfectly compatible, given sufficient affection, with a complete identification of the consorts in the harmony which comes of the union of diverse, but complementary elements. In all countries, custom and law begin with the system of subordination. In some the wife is little better than a slave. Even at Rome, though she was not only free, but respected, her legal capacity was merged in her husband's. This system vanishes from Rome during the last two centuries of the Republic and when the law of Rome comes to prevail over the whole civilized world, the system of equality (except so far as varied by local custom) prevails over that world till the empire itself perishes. In the Dark Ages the principle of

“ the subordination of the wife is again the rule everywhere,
“ though the forms it takes, vary, and it is more complete in
“ some countries than in others. It was the rule among the
“ Celtic and Teutonic peoples before they were Christianised.
“ It finds its way through customs conformable to the rude-
“ ness of the times, into the law of those countries which like
“ Italy, Spain, and France were only partially Teutonised and
“ retained forms of Latin speech. It holds its ground in
“ England till our own time, though latterly much modified
“ by the process which, under the influence of Democratic
“ ideas, has moved most swiftly and has gone furthest among
“ the English race in North America. But in our own time
“ the principle of equality has, in most civilised countries,
“ triumphed all along the line, and so far as we can foresee,
“ has definitely triumphed. One must imagine a complete
“ revolution in ideas and in social habits in order to imagine
“ a return to the system of subordination as it stood two cen-
“ turies ago.” Returning to the same subject in another
passage, he says, “ There are usually said to be two theories,
“ that of mastery and that of equality. On the former, the
“ husband is lord of the wife’s property as well as of her per-
“ son. The law puts her at his mercy, trusting that affection,
“ public opinion and a regard for domestic comfort will re-
“ strain the exercise of his rights. On the other theory, each
“ consort is a law to him or herself, each can dispose of his
“ or her property, time and local presence, without the assent
“ of the other. The law allows this freedom in the hope that
“ affection, respect and the opinion of society will prevent its
“ abuse. Yet these two theories — that with which both
“ Rome and England began, that with which both Rome and
“ England have ended — do not exhaust the possibilities of
“ the relation. For there is a third theory which, more or
“ less consciously felt to be present, has influenced both the
“ one and the other, creating a sort of compromise between
“ them. It is the theory of Partnership in social life and in
“ property similar to the partnership which necessarily exists
“ as regards the children of a marriage. This idea is expres-
“ sed by the form which the Mastery theory took when it de-
“ clared husband and wife to be ‘one person in the law’ and in
“ the Anglican marriage service, where the wife’s promise to
“ obey is met by the husband’s declaration that he endows
“ her with all his worldly goods. It also qualifies the theory

“ of equality and independence by the practice of creating a
“ settlement in England and a *Dos* (and *Donatio Propter nu-*
“ *ptias*) at Rome, in which each of the married pair has an
“ ‘interest.’ ”

Partnership.

13. We consider that the theory of Partnership which Bryce evidently affects is that which, as Christians, we should regard as the highest and best. But it may be said that in this partnership, the husband is the senior partner and the firm is known by his name. So be it. Yet, the senior partner is not the firm. The married woman passes into a new family, no doubt, but her personality is no more merged in it than her husband's. To borrow the language of poetry the change is from the “solitary ‘me’” to the “married ‘nos.’”

Widow.

14. The adoption of this, the Partnership theory, is calculated to solve the connected question of the Widow's share. Most of the witnesses ask, What does a widow need more than maintenance? The rôle of woman being to bear children, the widow is a dry twig. As she cannot be turned out into the street, for the same humanitarian reasons that lead to the establishment of Pinjrapoles for aged horses, she must be fed and lodged till death. This is an unworthy view. When the wife is regarded as a Partner, it will be clear that the widow should have an absolute share of her husband's estate. If the value of wealth lies in the opportunity it gives for the advancement of the ideal End of life, how does it cease to be valuable to a woman because her husband is dead?

The objection that sons
augment Taravad
property.

15. The next objection urged to the grant of equal shares to daughters with sons, is that sons augment the taravad property and it is unjust to them to make them share it with daughters who do nothing. This objection is closely related to the first. Its foundation is in the taravad idea. If we ask the question, why do adult sons expend their energies to increase the common resources, it will be answered that they do so because they identify their interests with the prosperity of the taravad. If we really had anything which could properly be termed a taravad, a legal personality different from the individual members, it is perfectly reasonable that the individual members should sacrifice their own private interests for the taravad, or rather they ought not to have any private interests at all, in matters in which it is possible for them to promote the interests of the taravad. It is thus that a

subject endures sacrifice for the sake of the State, even giving up his life for it. But the taravad with us is a mere superstition. All the co-owners are tenants-in common and though partition by metes and bounds may not have taken place, their interests are separate. The adult sons who labour to increase the family property know that they will have to share it with their minor brothers who do nothing but stay at home. They do not grudge this advantage to their minor brothers. They grudge it to their sisters. Therefore, it is not that those who do not work should not share in the results of labour, but that sisters should not share with brothers. The 'Taravad' flag is raised — against sisters. They are as near of kin as brothers, but the pernicious make-belief of a taravad makes them alien. They are sacrificed to the fetish, 'Taravad'. In many cases however the fact is that adult sons lose nothing by going and working in the paternal acres. It is simply the most profitable course for themselves. They trade on the family capital and the father's prestige, because their independent resources are nil. It is only right then that they should make a return for the aid they get from the family property by admitting the other members to a share in the profits. Further, the adult sons support themselves and their families at the expense of the taravad. It is a case of 'everything found' in return for their labour.

16. In this connection we must draw attention to the pastoral background of the assumption that sons till the soil with their father, while daughters (Duhitri) sit at home, milking the cow, until they are given in marriage and go into their new homes. It is high time that we adjusted our outlook to a new order of things. The time is come when we have to provide for the proper training and equipment of our girls, as well as of our boys. They have to bear the burden and the heat of the day, with men in the hard world— not all of them as artisans or clerks, perhaps—but in one way or another, sharing the strenuous life. It was curious to observe that a question put about unmarried women was understood by nearly all who answered our interrogatories as referring to those who took the veil. A secular life for an unmarried woman is a problem they have not faced. But the stern conditions of modern life which make it necessary even for some married women to fend for themselves are not kinder to the girl who,

The pastoral background
of the assumption.

whether of her own choice or not, remains single. The sum of the whole matter is this: whether married or single, male or female, rich or poor, each one of us is called upon not "to nourish a blind life within the brain" but to realise his or her destiny as a personal responsible being. Let this truth be firmly grasped, and it will utterly dissolve the tendency to regard woman's personality as a mere adjunct of her husband's. Her right will then be recognised to grow to the full measure of that personality and to use thereto all such means and resources as are now placed more or less exclusively, at the disposal of her brother.

Primogeniture.

17. It was urged by one of the witnesses, that it is natural to desire the perpetuation of one's family in the male line, and he instanced primogeniture and the zemindari system as proof of this. The analogy is misleading. Both primogeniture and the zemindari system are due to the same—a feudal—cause. As Blackstone says in his commentaries, "The true reason of preferring the males must be deduced from feudal principles, for by the genuine and original policy of that constitution, no female could ever succeed to a proper feud, in as much as they were incapable of performing those military services for the sake of which that system was established." It is true that the law of primogeniture and the preference of males survive in England. It does no harm there, but is it not a warning to us not to mar our laws in the making? The law of primogeniture does no harm in England, because nearly everybody in England who has any property leaves a will. Landholders are few, moveables follow the Statute of Distributions and the system of Settlements tends to give daughters as well as sons an adequate share of the father's property.

Fragmentation of property.

18. Of more weight is the argument that the grant of a share to daughters would lead to the fragmentation of property which is an economic evil. With regard to this, it must be noted that property is already freely divisible among sons. So, here again the principle, as an offensive weapon, is to be used only against women. Secondly, it is not so clear that the handing down from generation to generation of large inheritances enabling the owner to eat the bread of idleness, is a real advantage. Let the appeal to Economics be answered by an Economist. Tausig (*Principles of Economics*, Vol. I, page 6) says

“ He who has always had abundant means at his command
“ often lacks endurance and spirit and in the end is surpassed
“ in happiness as well as in riches by him who had to face
“ harder conditions at the start.”

19. When the common estate is very small, its further division must be a misfortune. But in such a case, how would reasonable men avoid harm? We suppose, the sharer who is able to command the purchase money would buy out the others, and if no sharer were able to do it, the estate would be sold and the proceeds distributed. In either case the economic evil of fragmentation is averted. Even granting that we are wrong, how far would the inexpediency of subdivision justify the appropriation by one or more, of what belongs to all? If the elder of two children should say to the younger “ What a tiny piece of cake mother has given us! It is obviously too small for both; so, I shall eat it all,” what would we say to this budding economist?

20. Another witness was afraid that equal shares to women would tend to make wives too independent! Let husbands study to make partners of their wives, in the sense of Lord Bryce, instead of drudges, and they will discover a type of conjugal felicity which will not be destroyed by independence. A third witness told us that it was unscriptural to make women equal to men in the matter of inheritance, because St. Paul said “ Wives, be in subjection to your husbands.” We should have thought that St. Paul was here appealing to the best instincts of women. He did not say “ Husbands, subdue your wives; if other means fail, try starvation.”

Objection of the independence of the wife.

21. A very plausible argument which may be used against us is that the very people whose cause we uphold, refuse our advocacy. Not that it is entirely true. We shall presently give figures and quote testimony to show what powerful support we get from women witnesses who have realised the true inwardness of the question. Nevertheless, it must be conceded that an influential majority of the women witnesses are in the opposite camp. Our position is not advanced materially by the support of women witnesses as such, nor can it suffer by lack of it. If we based our case on the misery which our women are subjected to and the cruelty with which their husbands treat them, it might be easily demolished. On the whole, our women are no more oppressed than women of other lands. We do not fall into the mistake, sometimes made by

Women witnesses.

foreigners, when they speak of Indian homes and draw a harrowing picture of women immured in zenanas and submitting to every frightfulness. The fallacy of such notions has been exposed by Lord Bryce in a passage which it will be useful to quote. "Those who, judging of other times by their own," think that the position of the wife and of women generally "must have been, under the mastery theory, an intolerable one, need to be reminded not only that the practical working of family life depends very largely on the respective characters of the persons within the family, and on the amount of affection they entertain for one another, but also that it is profoundly modified by the conception of their relations which rules the minds of these persons." These considerations heavily discount the argument that because a great many of the women witnesses are opposed to equal rights for women, therefore the champion of their cause is "hoist with his own petar." It is not a question of hardship, but a question of social polity, the question namely, is the mastery system, under which women are not allowed free scope to develop their individuality, a sound one? How can we expect our women to have more advanced views on this question than our men? They err who think the issue is between men on the one side and women on the other. The issue is between the Family theory and the individualistic theory of life's values. Some of our educated women, as some of our educated men, have realised that under the present system, women do not get a fair field. We cannot possibly expect all women to see it, as we cannot expect all men to see it. Suffice it that we can point to several women witnesses who shed "something of an angel light" upon the problem. As an example, we would cite Mrs. Francis. She wrote to us as follows in response to the interrogatories sent to her :—

Mrs. Francis cited.

Reasons in favour of giving equal share to the daughter with the son: — Daughters being equally the children of the parents with sons, a custom that prescribes a smaller share to them than to sons in the estate of the parents should not be supported by any legal enactment unless it is clearly shown that the practice does not actually result in injustice to daughters. To show that no injustice results, the advocates of the custom argue that while it (the custom) prescribes to the female a smaller share than would be her portion if the division were equal, it (the custom) at the

“ same time compensates her for this shortness by giving to
“ her husband, with regard to the estate of his parents, a lar-
“ ger share than would belong to him if the division were
“ equal. While admitting the truth of this argument as ap-
“ plied to various cases at present, it must still be contended
“ that the custom in question is unjust to the female. For, it
“ is only when the daughter chooses her husband from a fa-
“ mily equally rich or richer than her’s, that the less than
“ equal share of the daughter and the more than equal share
“ of her husband can together come up to what their shares
“ together would amount to, were there equal division in both
“ their families. In other words, if the daughter chooses her
“ husband from a poorer family than hers, injustice will re-
“ sult, and as the daughter has a right to have the full liberty
“ to choose her husband from any family she likes, even the
“ poorest, without thereby being compelled to enjoy less ma-
“ terial comforts than would fall to her share if her parents’
“ estate were divided equally between her and her brother, the
“ custom in question must be admitted as being unjust to the
“ daughter.”

“ But in favour of the desirability of the custom its
“ advocates say that if it did not exist, there would be several
“ cases in which the whole or a larger portion of the property
“ of a family goes to another family. The truth of this state-
“ ment is admitted; but I fail to see why the transfer of the
“ estates of one family to another should be regarded as some-
“ thing undesirable. The happiness of the family being the
“ happiness of its individual members, females as well as
“ males, the transfer of that portion of the family estate,
“ which by right belongs to the female members, to the fami-
“ lies to which the female members have gone by marriage,
“ can only contribute to the happiness of the family. Arguing
“ similarly that the happiness of the community is the happi-
“ ness of its members, that transfer of property from one fa-
“ mily to another, which results from giving to the females
“ equal shares with males, can be shown to be nothing but
“ desirable from the point of view of the well-being of the com-
“ munity too.”

“ A third argument advanced by the upholders of the
“ present practice is that, if the law provides to the female
“ equal share with the male, the male will be reluctant to ob-
“ serve this law, will try not to observe it; and therefore liti-

“gation will arise. This argument cannot be said to be a
“valid one. The fear that the male member of the family
“may not act justly towards the female members, however
“well grounded that fear may be, is not to make the law also
“unjust to the female with the object of rendering the injustice
“of the male not unlawful and thereby avoiding litigation.
“The logic that says otherwise will lead one to such absurd
“conclusions as:—since there are many who commit robbery,
“it is desirable that the legislature does not make robbery
“unlawful, so that those who commit robbery may not break
“the law and thus there need not arise the trouble consequent
“on breaking the law.”

“Yet another argument that is brought forward by
“those who uphold the custom in question is that it is the
“male members who look after the undivided family estate,
“whereas the female members do not do so, but it must be
“admitted that the trouble taken by the male members is
“compensated by the fact that more of the income from the
“undivided family estate is spent on the male members than
“on the female members.”

“The wives and children of the male members, before
“the division of the family estate, are supported from
“the income of that estate, while the husband and children of
“the female members and even the female members themselves
“after their marriage, are not supported from this income.
“Again, the reasoning of the supporters of the custom
“in question leads one to the conclusion that a greater share
“is to be given to the grown up son, who is able to look after
“the estate prior to the partition, than to the minor son,
“who is not able to do so. But such a conclusion very few
“will agree to accept.”

“I think I have now dealt with the main arguments
“advanced in favour of giving smaller shares to daughters
“than to sons. Evidently I regard every one of them to
“be weak.”

22. Of the lady witnesses examined *visu voce*, only 11
out of 36 favoured equal shares. But as against this we have

the fact that 35 ladies from Ollur, some of them from highly respectable families, sent up a petition to the Committee strongly protesting against the unequal treatment of the sexes in the proposed law.

23. Finally, it need hardly be said that with full testamentary liberty, it is not a very serious matter for the Christian subject what law of Inheritance is enacted by the State. For the State, however, it is urgent that its legislation should be just, equitable and progressive.

Conclusion.

P. I. Varugis.

V. D. Ousep.

Fr. Michael Nelavareth.

THE
COCHIN EDUCATION CODE

1921.

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THE COCHIN EDUCATION CODE.
1921.

CHAPTER I.
General.

The Code shall come into operation on 6th June 1921 and it shall supersede all previous Codes and Rules on the subjects herein dealt with ; provided, however, that Government may, on the recommendation of the Director, postpone the date on which any rule comes into operation, or suspend the operation of any rule as applying to any class of schools or to schools situated in any particular area.

2. The appendices to the Code shall be printed in separate volumes, but shall be treated as part of the Code, and they shall have the same force as the Code.

3. No alteration in the Code shall be valid unless it has been sanctioned by Government and published in the Gazette. The Director is empowered to issue in the form of circulars, such rulings on, or interpretations of, the provisions of the Code, as may appear to him to be necessary, and these shall be published in the Gazette and submitted for the information of Government.

Note:—The word "Director" in this Code means the "Director of Public Instruction, Cochin State".

4. The decision by Government on any question that may arise as to the intention, construction or application of the rules in this Code shall be final.

CHAPTER II.

Classification of Institutions.

5. Schools are divided into Primary schools—English and Malayalam, and Secondary schools—Lower and Upper.

A primary school shall consist of four classes; a lower secondary of three forms ; and an upper secondary of three forms also.

6. To provide for transition from Malayalam to English schools, the Director may, attach preparatory classes either to primary or to secondary schools.

CHAPTER III.

Recognition of Schools.

7. Schools under private management may be recognised by the Director subject to the following rules and conditions. The Government reserve to themselves, anything in the rules of this Code notwithstanding, the right to refuse or to withdraw the recognition of any school at their entire discretion.

8. When the management of an institution vests in any single person, to whom authority is delegated by another, the nature and extent of the power or authority so delegated must be clearly stated at the time of the application for recognition. The arrangement shall require the approval of the Director before recognition is granted, and any change made in it subsequent to recognition shall require similar approval. Application for permission to open a school, with a view to its subsequent recognition, should ordinarily be made not less than three months before the date on which it is proposed to take actual steps to establish or open the institution, and shall be in Form No. I, Volume III. The chief matter which requires attention in making such an application is the statement of reasons for the necessity of establishing the institution. The decision of the Director shall be chiefly based on :—

(a) the nature of the management and the guarantees it offers for its financial stability, and

(b) the extent to which the requirements of the locality in the matter of education are already met by the existing institutions.

9. (1) The Director may, at his discretion, demand a sanitary certificate in Form No. II, before recognition is accorded, and on any subsequent occasion. Within municipal limits, the certificate shall be signed by the Health Officer, and in other places it shall be signed by the Sanitary Inspector in whose jurisdiction the school is situated countersigned by the Director of Public Health. It shall be competent for the Director to refuse to recognise any school which in his opinion is situated, accommodated or proposed to be opened, in any insanitary or unwholesome locality or building.

(2) The Director may also ask that a certificate should be produced signed by the Diwan Peishkar to the effect that the building is on a site accessible to all castes.

(3) The Director may also demand a certificate of fitness of the buildings in Form XXII signed by the Assistant Engineer of the Division and countersigned by the Chief Engineer before recognition is accorded or on any subsequent occasion.

10. (1) In the event of refusal by the Director to approve of the opening of a new institution or to grant recognition, an appeal shall lie to Government, if preferred within thirty days from the date of receipt of the order refusing such approval.

(2) If approval is finally refused to the opening of any new institution, no renewal of the same, nor a practically similar application shall be considered, until the expiry of twelve months from the date of the first application.

(3) The approval granted by Government, or the Director, to the opening of a new institution shall lapse, unless the institution approved is started within a period, which shall be fixed in each case, when such approval is signified to the applicant, or within such period to which it has been extended by Government or the Director.

11. No class or form shall be opened in a recognised institution without the previous sanction of the Director.

12. The Director shall fix the grade of the school seeking approval or recognition.

13. All recognised schools in the different grades, primary and secondary, shall follow the curricula prescribed in Volume II. Schools for girls shall follow the special curriculum prescribed for them. Pupils attending recognised institutions qualify for admission to public examinations.

14. Recognised educational institutions are liable to have their recognition withdrawn if any of the rules contained in this Code or if any rulings of the Director thereon are violated, or if the Managers and Headmasters thereof grant, without permission, the use of their buildings or premises for meetings of a political character, or for discussion of subjects which are likely to cause ill-feeling between different communities or sections of any community.

CHAPTER IV.

Standards of Examination.

15. The following rules are prescribed:—

(1) No pupil shall be promoted from one standard to another, till he or she has passed by the lower standard, and has paid his or her fees due, if any, in full.

(2) Boys and girls, who do not intend to go up for the Matriculation Examination, shall follow a special course, from Form IV upwards, under the School Final Certificate system. The course will comprise the subjects laid down for the School Final Certificate as given in Volume II.

(3) No pupil shall ordinarily be promoted who has not gained at least 35 per cent of the total number of marks both in English and Malayalam and 33 $\frac{1}{3}$ per cent in each of the other subjects in the annual examination.

The annual examination, however, shall not be the *only test* for promotion from one class to another. The general progress of the pupil during the year, as judged by school-work, as, for example, occasional tests, as approved in the Dalton Plan, shall likewise be taken into account in determining promotion.

(4) All Public Examinations in the State shall be conducted by a General Board of Examiners to be appointed annually by Government.

Note 1:—The Director may appoint Examiners and question paper setters for all Public Examinations under his control and cancel such appointments in consultation with the Board and sanction all expenditure for conducting such examinations subject to the rates prescribed and the provision made by the Government in the Budget from time to time. He may also appoint tabulators in connection with these Examinations and accept applications for the Public Examinations even after the final date; granting exemptions from penalty in deserving cases and accord sanction for the creation of special centres for the Public Examinations.

Note 2:—The Secretary to the Board of Examiners shall announce in the Government Gazette when and how applications for certificates issued by the Board should be submitted. Applications received after the prescribed date will be granted only on payment of a penalty fee of Re. 1 for each certificate.

Note 3:—The Secretary to the Board of Examiners may, on application and on payment of annas eight, issue a certified extract of the marks obtained by a candidate at the following Public Examinations.

1. III Form Public Examination.
 2. Lower Secondary Scholarship Examination.
 3. Q'ran Teachers' Examination.
 4. Final Industrial Examination.
 5. Public Industrial Examination.
 6. Special Music Examination.
 7. Drawing Teachers' Practical Examination.
 8. Kavya Examination.
 9. Bhushana Examination.
 10. Malayalam Pandits' Examination.
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CHAPTER V.

School Discipline and Management.

16. Regularity and punctuality of attendance of both teachers and pupils shall be strictly enforced. Applications for leave shall be made by the parent or guardian of a pupil. Only in very exceptional and unavoidable cases shall applications from pupils be accepted.

17. A working day shall ordinarily consist of not less than five hours of secular teaching, with an interval of one hour during the day. No school meeting shall last continuously for more than three hours.

18. A 'School meeting' means a registered meeting of the school for secular teaching for not less than two hours.

19. There shall be two meetings a day, one in the morning and one in the afternoon. The attendance roll shall be called at the beginning of the morning and the afternoon secular lessons.

Note 1:—The Director may relax conditions regarding the duration and hours of school work for special reasons.

Note 2:—Any pupil who comes late after roll call, shall be marked 'l' and shall lose the attendance for that meeting, except for good reasons.

Note 3:—Except for good reasons, a pupil absenting himself with leave, shall lose the attendance for that meeting, but one absenting himself without leave shall lose two attendances.

20. Pupils, absent from school without the permission of the Headmaster shall, after ten working days, have their names removed from the rolls, and shall pay the admission fee, and any school fee due, before re-admission. School hours shall ordinarily be from 10 a. m. to 4 p. m. with an interval from 12-30 to 1-30 p. m.

Pupils absenting themselves from school with leave for more than fifteen days may have their names removed from the rolls and treated as 'temporary removals'. Such pupils are not exempted from payment of fees on the due dates, but they need not pay any re-admission fee when they rejoin.

Note 1:— The duration of 'temporary removal' shall be three months from the date of beginning of a pupil's absence from school after which period, the name shall be permanently removed. If a pupil returns after the expiry of the period of temporary removal, re-admission fee shall be levied from him.

Note 2:— Re-admission fee shall be levied before the issue of transfer certificates from pupils in Malayalam Schools also whose names have been permanently removed for long absence and who afterwards apply for such Certificates.

21. No pupil shall, unless exempted by the Director, be promoted who has not put in at least 270 meetings in the year, or who has failed to pay the fees for the school year.

Note 1:—The Director may conduct special examinations for those pupils who for unavoidable reasons are absent for the terminal examinations. In such cases a special fee at the rate of Rs. 2 for each subject up to a maximum of Rs. 5 in the Primary Department and at the rate of Rs. 3 for each subject up to a maximum of Rs. 10 in the Secondary Department will be levied from each candidate. No such fee will be levied in Malayalam Schools.

Note 2:—In the case of pupils who obtain half-yearly promotion, the attendance put in by them in the two classes together during the year may be taken into account for their second half-yearly promotion, which is the annual promotion for other pupils.

22. The rules of discipline of every school shall be formulated in a definite manner, and shall be subject to the approval of the Director. They shall be explained to all pupils on admission to the school.

23. Teachers, by precept and example, should do their utmost to lead their pupils to be clean and neat in person and habit, respectful, orderly and quiet in behaviour, honest and truthful, and good loyal citizens in all circumstances. The formation of Boy Scout and Girl Guide Associations should be encouraged.

24. Provision shall be made for moral instruction in schools where the heads of schools are satisfied that favourable conditions exist for such teaching. A period may be devoted for this purpose in the time table and regular and systematic instruction given by means of stories, illustrations, biographies, etc.

25. In every school arrangements shall be made for physical exercise, sports and games.

26. Provision shall be made for the medical examination of pupils at intervals of three years and ordinarily thrice during the school life of a pupil, under the rules prescribed by Government in Form No. III.

27. In every school, for purposes of nature study and for recreation, provision shall, as far as possible, be made for school gardens.

27. A. The Director may sanction excursion charges in connection with educational tours of students and teachers.

28. Every school building shall be in substantial repair and in a clean condition. It shall be subject to inspection by the Inspecting Officers of the Education Department and such officers of the Medical, Sanitary and Engineering Departments, as Government may direct. Every building shall be provided with a suitable latrine.

29. Neither teachers nor pupils shall attend or take any part whatever in any meeting, or in any agitation, directed against the authority of Government, or in any movement or agitation of any kind which may be accompanied by or result in ill-feeling between different sections of any community or which gives expression in any way to opinions, that may excite feelings of disloyalty or disaffection.

30. The Headmaster shall keep a record of all cases of corporal punishment noting the reasons for awarding the punishment in each case.

31. Promotions from one class to the next higher one shall ordinarily be made once annually on the first working day of each school year. Half-yearly promotions may be permitted by the Director.

32. The Headmaster shall, before the first working day of each school year, post up in a conspicuous position in the school, a notice giving the names of all pupils who have been promoted, and he shall, on the same day, forward a copy of the notice to the Inspecting Officer. It shall remain posted for the first fifteen working days of the school year, after which it shall be taken down and preserved in the school records. All examination papers, answer papers and mark lists shall be preserved for one month after the reopening.

33. Teachers shall not claim casual leave as a matter of right.

34. Headmasters shall be required to devote at least an hour a day for the supervision of the work of assistant masters, for which they will keep a supervision book.

35. The Headmaster of every school shall issue a terminal report on the progress of each pupil to his parent or guardian in Form No. IV.

CHAPTER VI.

Admission and Transfer Rules.

36. Except in the case of primary schools, girls' schools shall be open to girls only and boys' schools to boys only. For the admission of girls in secondary schools for boys, and vice versa, the special sanction of the Director should be obtained.

Application for admission to the College classes should be made in writing in the prescribed form with a Registration fee of Re. 1 without which the application will not be registered. The registration fee is not returnable.

37. Pupils shall ordinarily be admitted once a year within the first three weeks of the reopening of schools, after which no pupil shall be admitted without the special sanction of the Director. Applications for admission should be made, on a printed form, Form No. V, by the parent or guardian, *who should authorise the admission in person or by letter. The name of the parent or guardian must be registered, and in all matters concerning pupils, no other person will be recognised.* The correct age of the pupils must be entered. No pupil shall be admitted who is not protected from small-pox, or who is suffering from any contagious or communicable disease, or who has been debarred from admission to a recognised school by any notification issued by the Director. In the case of pupils not protected from small-pox one month's time from the date of admission shall be allowed for vaccination.

38. A pupil on joining a school shall give his correct name. A change of name may afterwards be allowed by the Director for good reasons and on payment of a fee of two rupees ; but in the case of pupils belonging to the Depressed Classes a fee of annas eight only will be levied.

Note:—Depressed Class pupils who change their names in consequence of a change of faith are exempted from the operation of the above rule.

39. Satisfactory evidence of age in the case of new pupils shall be produced before admission or within five working days after admission. An age once entered can be altered only with the sanction of the Director and on payment of a fee of three rupees.

Note 1:—The Headmaster of a school may, on application, issue a certificate in Form No. V A based on the school register as to the age of a pupil, on payment of a fee of rupee one.

Note 2:—A fee of Re. 1 will also be levied for the issue of an extract from the school Admission Register.

40. The strength of a class shall not exceed 40, except with the special sanction of the Director.

41. A pupil *before he is admitted to a school* will be required to produce a certificate which shall be in counterfoil and in Form No. VI, from the Headmaster of the last school in which he was reading. A pupil who joins a school for the first time having never been in a school before, shall be required to join at the reopening of the school year, provided that if he joins at another time with the sanction granted by the Director, he shall be admitted only on payment of the full annual fees for the course to which he is admitted.

Note 1:—*No certificate is valid or should be received that is not on the authorised printed form supplied by the Department, and signed by the Headmaster or Headmistress.*

Note 2:—Pupils admitted in class I after the Navarathri holidays will be allowed to sit for the annual examination if they are of the proper standard and pay the fees for the whole course. They need put in only 75% attendance of the total number of working days after the holidays.

42. *Bona fide* private pupils seeking admission into a class or form may join a school, a month before the last terminal examination, and appear for the examination on payment of an admission fee of Rs. 5 in the Primary Department and Rs. 10 in the Lower Secondary Department. No such fee will be levied in Malayalam Schools.

Note:—Pupils, who, after a period of attendance at school and a long absence, desire to present themselves for promotion examinations, will be permitted to do so as 'private pupils' provided that they have been away from school at least one year and with the restriction that they can only be allowed to sit for the promotion examinations of one class lower than they would have done, had they attended regularly and had they obtained promotion year by year, but not lower than the class in which they last studied.

43. Application for transfer certificates shall be made by the recognised guardian, in person or in writing, at the end of a term, or in the interval between two terms or within the first ten working days of a term. The certificate shall be issued forthwith provided no fee is due from the pupil for the term in which his last attendance is registered.

In the case of a pupil of the Primary Department it is enough to levy the fee for the month in which his last attendance is registered.

Note:—Duplicate certificates may be issued for good reasons and on payment of three rupees.

44. Pupils coming from schools outside the State may be admitted into the classes for which their transfer certificates entitle them, provided the Heads of Schools concerned are satisfied of the standard of the institutions they come from; but in cases where the standards cannot be determined, the pupils shall, with the permission of the Director, be admitted into whatever class they are found fit for, on examination.

45. A pupil coming for admission shall not ordinarily be placed in a class higher than that to which he was promoted in the school he left.

Note 1.—When vernacular pupils are admitted into English Schools, they should be placed either two classes lower with the benefit of half-yearly promotions or in the same class after being examined in English as bona fide private pupils and found fit. A fee of Rs. 2 shall be levied for the examination in English. Pupils from English Schools, may be admitted into Vernacular Schools in the same class; but they will be treated as *bona-fide* private pupils as regards English for which they may be allowed to appear privately at the annual examination on payment of the fee prescribed in Article 42. Pupils who fail to get promotion in English Schools and who wish to join Vernacular Schools may be admitted in the next higher class in Vernacular Schools provided they have failed only in English and not in any other subject.

Note 2.—Admissions and transfers of pupils of class IV of an English School to the Preparatory class and vice versa will be allowed in deserving cases.

46. In the case of a pupil's being dismissed or formally expelled on account of grave misconduct, the Headmaster shall record his reasons for the dismissal or expulsion, and report the fact at once to the parent or guardian of the pupil, and within seven days to the Inspecting Officer concerned. A pupil thus dismissed or expelled from one school shall not be admitted into any recognised school within a period to be determined by the Director.

47. If a pupil's name be struck off for non-payment of fees, he shall not receive a certificate until he has paid them.

48. Attendance at a non-recognised school between leaving a recognised one and applying to enter another does not dispense with the necessity of complying with the provisions of Article 41.

49. If a pupil be found to produce a false certificate or to make a false statement as to his attendance at any school, the Director may debar him for a period not exceeding one year from admission to any examination.

50. A pupil leaving a recognised school during the year with the sanction of the Director for good reason and joining another school, shall pay only the balance of the year's fee in the school which he joins.

51. Wilful transgression of any of the foregoing rules will render a school liable to suspension, reduction, or withdrawal of grant, or withdrawal of recognition.

CHAPTER VII.

The Licensing of Teachers.

52. No person shall be permitted to teach in any school in the State unless he possesses the qualifications herein prescribed and holds a license granted by the Director in Form No. VII.

Exception 1:—Teachers that have been employed in schools managed or aided by the Cochin, Travancore or British Government, for 15 years and upwards, prior to 1st Chingam 1087, are exempted.

Exception 2:—Teachers of the primary classes who were licensed on or before 24th Edavam 1096, *i. e.*, the date of issue of the new Code, are exempted from the general qualifications herein below prescribed and will be permitted to teach as per their licenses but the licenses shall lapse if they fail to qualify professionally within the time allowed by the old Code.

Exception 3:—Persons possessing the requisite general qualifications, but not the professional qualifications, may be permitted to teach in schools on their obtaining a temporary permit from the Director. Such temporary permits will be valid only for one year after completion of the training course in the case of graduate teachers and for three years after completion of the training course in the case of non-graduate teachers and will become automatically void on the expiry of the period, before which the holders should get themselves professionally qualified.

The minimum qualifications of teachers shall ordinarily be:—

Class or Form	General qualifications	Professional qualifications
Classes 1 and 2 (Malayalam Schools)	S. S. L. C. complete of the Cochin State	Secondary trained or trained in Industries or Agriculture
Classes 3 and 4 (Malayalam Schools)	do	do
Classes 1 to 4 (English Schools)	do	do
Forms I, II and III	do or Matriculation	do
Forms IV, V and VI	B. A.	L. T. trained or B. T.
Specialists.		
Sanskrit Pandit	..	Pandit's examination or Siromani
Malayalam Pandit	...	Pandit's examination.
Tamil Pandit	...	Tamil examination
Arabic Maulvi	...	Maulvis' examination
	P. D. Class IV of the Cochin State	Freehand Outline and Model Drawing and any one of Painting, Design and Geometrical Drawing (Lower Grade)
	L. S. D. Form III of the Cochin State	Freehand Outline and Model Drawing, Painting, Geometrical Drawing and Design (Lower Grade)
Drawing Master	H. S. D. Form III of the Cochin State	Group certificate in Drawing (Freehand Outline and Model Drawing, Higher Grade), Geometrical Drawing (Lower), Design (Lower) and Painting (Lower)
<i>N.B.</i> —Drawing Masters should also pass the Practical Examination conducted by a Board constituted for the purpose.		
Drill Master	..	Gymnastic examination
Music Teacher	A pass in Form III of the Cochin State Public Examination	Junior or Senior of the Special Music class of the V. G. School, Trichur
Needle-work Teacher	P. D. Class IV of the Cochin State	Needle-work and any two of the following, viz., Knitting, Embroidery, Crochet or Pillow Lace

Class or Form	General qualifications	Professional qualifications
Needle-work Teacher	Secondary Department Form III of the Cochin State	Needle-work and any 3 of the following:—Knitting, Embroidery, Crochet or Pillow Lace.

Note 1:—The Director may, at his discretion, accept examinations equivalent in his opinion to the tests prescribed above.

Note 2:—Teachers trained in Industries or Agriculture will not, until they become the Headmasters or Headmistresses of Primary or Lower secondary schools, be required to undergo the 'Teachers' Training'.

Note 3:—The Director may grant temporary exemption to specialists from requisite professional qualifications up to a limit of 2 years provided qualified hands are not available.

53. Applications for licenses shall be made in Form No. VIII. Each application for the issue of a license or permit for the first time shall be accompanied by a chalan for the remittance of Rs. 3 in any of the State treasuries, no such fee being levied either for the conversion of a permit into a license or for their modification.

Note 1:—Duplicate licenses may be issued for good reasons and on payment by the applicant of a fee of Rs. 5.

Note 2:—A fresh license may be issued free of charge when the old one is worn out.

54. In no case shall a license be issued in favour of a person whose age is less than 18 years or who is physically unfit to teach.

55. When first granted, the license shall be retained by the Director until the person in whose favour it is granted is appointed as a teacher. On appointment, the license shall be forwarded to the Headmaster in the case of Government schools or to the Manager in the case of aided schools. If the license is in favour of a Headmaster, or of a Headmaster who is also the Manager, it shall be retained by the Inspecting Officer.

56. If a teacher has been dismissed for any fault or has left the service of the school in such a manner as to infringe the conditions of that service, the license shall be recovered and forwarded by the Inspecting Officer to the Director.

57. No licensed teacher shall be suspended or dismissed from an aided school except for good causes. Against the suspension or dismissal, an appeal shall lie to the Director, provided that such appeal is preferred within thirty days from the date of the order of suspension or dismissal. The decision of the Director on such appeal shall be final.

58. The Director may suspend or cancel a license if the person in whose favour it has been issued—

- (1) is not protected from small-pox;
- (2) becomes physically unfit to teach;
- (3) has been judicially convicted of any offence involving dishonesty or immorality;
- (4) has given incorrect information or wilfully suppressed information in his application for license;
- (5) is, for any continuous period exceeding two years, not engaged as a teacher in a recognised school;
- (6) permanently undertakes teaching of any kind which is not permitted by his license or private tuition without the written permission of the Headmaster;
- (7) is known to serve as a teacher in an unrecognised school, which violates the conditions of the Code in such manner as to do injury to the public interest, and refuses or fails to withdraw from such service within thirty days of his having been warned to do so;
- (8) is found to suffer from any contagious or communicable disease;
- (9) wilfully infringes any condition of service in the school wherein he is employed;
- (10) behaves in any manner unbecoming a teacher and a gentleman;
- (11) is offered a stipend or scholarship of an amount considered to be reasonable in a recognised Training school or other recognised institution, for the purpose of undergoing a course of training or instruction, and refuses or fails without reasonable cause to attend such course;
- (12) engages in any trade, business or occupation which is incompatible with the efficient discharge of his duties as a teacher;
- (13) is, directly or indirectly, solely or in conjunction with others, the editor or proprietor of any newspaper, magazine or periodical, other than a purely scientific or educational publication, without the written sanction of the Director;

(14) takes any part whatsoever, in any agitation directed against the authority of Government, or in any movement or agitation of any kind, which may be accompanied by or result in ill-feeling between different sections of any community, or gives expression in any way to opinions that may excite feelings of disloyalty or disaffection;

(15) advises, encourages, or permits pupils in any school to attend any meeting of a political character, or any meeting, assembly, entertainment or occasion where the proceedings are not such as are calculated to be edifying to persons of immature mind.

59. If the Director refuses, suspends or cancels a license, an appeal shall lie to Government, provided that the appeal is preferred within thirty days from the date of receipt of the order.

60. Teachers in aided institutions to whom licenses have been issued under the foregoing provisions shall be eligible for the benefit of such pension or provident fund for teachers as may be instituted by Government.

61. A teacher holding a certificate of training granted by the Travancore, Mysore or British Educational Department, shall be eligible for appointment in a recognised school in the State.

62. A teacher in a recognised school in another State or Province, desiring employment in a recognised school in this State, shall forward his application through the controlling authority of the school and the Head of the Department, and such teacher shall not be appointed unless he satisfies the conditions in regard to length of service and other points agreed upon at the time of his appointment.

CHAPTER VIII.

Fees, Fee concessions and Scholarships.

63. The rates of fees prescribed in this Chapter shall be followed by all schools, both Government and aided. No extra levy shall be made under any name or pretence, unless authorised by general or special orders of Government.

64. No fees shall be charged in Malayalam schools to any pupils, nor shall, any fee be levied in English schools from pupils

belonging to the depressed classes. In English schools the rates of fees for other pupils shall be as follows:—

Primary Department—Class I—4 annas. Class 2—5 annas, Class 3—9 annas and class 4—12 annas monthly.

Preparatory class—Rs. 1½ monthly.

Lower Secondary Department—Forms I, II and III—Rs. 24 per annum.

Upper Secondary Department—Forms IV, V and VI—Rs. 42 per annum.

College Department—Intermediate class—Rs. 84 per annum. B. A. Class—Rs. 112 per annum.

N. B.—If fees are paid for the whole year in a lump sum in advance, the annual fees for the Intermediate class will be only Rs. 80 and that for the B. A. only Rs. 106.

Notes 1:—Special fees shall be levied in these departments at the following rates:—

	L. S. D.	U. S. D.	College Department (Intermediate and B. A. classes)
Library fees	8 as.	Re. 1	Rs. 2 per annum
Sports fees	4 as.	8 as.	Rs. 2—8—0 do
Stationery fees	8 as.	Re. 1	Rs. 2 do
Fees for medical inspection			Re. 1 (This need be collected only from the 1st and 3rd class students)

N. B.—(1). In addition to the special fees, students in Groups I and II of the Intermediate classes shall pay an annual fee of Rs. 5 each and those of Groups II B, II C and II E of the B. A. classes shall pay Rs. 10 each towards laboratory fees. However, students of Groups II B and II C of the B. A. classes who take Mathematics as their subsidiary subject shall pay a sum of Rs. 5 only towards laboratory fees. The laboratory fee is payable along with regular fees for the second instalment of the first term and shall be collected only from those students whose names are on the rolls on the date of payment. Special fees and laboratory fees shall not be counted in fixing arrear demand from a student.

(2) In the case of students seeking admission to the Senior Intermediate or Senior B. A. class during the second or last term of an academic year special fees shall be levied at half rates only.

2. Half the standard rates of fees shall be levied from girls. Pupils in model schools attached to Training Institutions and pupils belonging to backward classes will also be eligible for the concession provided they are certified by competent authorities to the satisfaction of the Director, to be really poor and unable to pay full rates. No fees shall be levied in the Government

Trades School, Trichur from pupils belonging to the Depressed classes.

N. B.—A certificate of poverty from the Parvathiakaran of the village in which the pupil lives will be considered a sufficient authority for the purpose of this note.

This concession will not be allowed for more than 2 years to the same student in the same class.

3. A class or community shall be styled as backward or depressed only from the standpoint of literacy, and the term backward classes shall include:—

Paramban	Pattarya	Raju
Chakkilyan	Kakkalan	Pathukudy
Devadasis	Kaikolan	Kudumi
Tharakan	Kaniyan	Panan
Arayan or	Ottanaiken	Chedan
Mukkuvan	Thindal Thattan	Karuvan
Devangan	Velakkathalavan	Chakkan
Pandithattan	Asari	Barber
Velan	Kollan	Vaniyars
Mubammaden	Ezhuthachan or	Kusavan
Jew	Othazhan	Pandaran
Kallan	Chovan	Veluthedan
Theendal Vannans	Kammalan	Moosari
Yadhavas	Koravar	Thottjar
Telugu Chetties	Vadukans	Goudas
Naidu	Kalari Kurup	Vil Kurup
Chalayan or	Tamil Chetties	Tamil Pillai
	Vellala Pillai	Saiva Vellalas
		Kannada Chetties

The term depressed classes shall include:—

Kanakkan	Vettuvan	Pulayan
Malayan	Nayadi	Ullatan
Sambavan	Kadar	Pulluvan
Kavara	Vathis	

and such other communities as may, from time to time, be declared by Government to be backward or depressed.

Note.—In the case of children of the depressed classes attending a school a change of religion will not make them ineligible for the concessions enjoyed by them.

Converts to other religions from the communities classed as depressed shall be eligible for all the educational concessions granted to the depressed classes.

N.B.—Converts should produce certificates of conversion from the authorities of the Church or Mosque or from the Arya Samaj Adhikari or Buddhist priest or any other religious head by whom the conversions have been effected, to show that they are themselves converts.

4. (a) In the case of a student of the Senior Intermediate or the Senior B. A. class who attends for part courses only under the New

Regulations the amount of fees prescribed shall be as follows, payable in eight equal instalments; but no concessions shall be allowed in the matter of special fees.

	Intermediate	B. A.
Part I	Rs. 36	Rs. 48.
Part II	" 28	" 28.
Part III	" 42	" 56.

4. (b) In the case of a student of the Senior B. A. class who attends only for one of the two parts under the old or Transitory Regulations, half the amount of the prescribed fees alone be levied but no concession shall be allowed in the matter of special fees.
- N. B.—Girls studying for part course only in the Intermediate and B. A. classes shall, if they are Cochinites, pay only one-third of the full course fees levied from boys.
5. In the case of a student of the Senior Intermediate class or the Senior B. A. class who appears for the September Examination fees for the first term (three instalments) only shall be levied.
6. In the case of a student seeking admission to the Senior Intermediate class or the Senior B. A. class after having failed in the September Examination, only half the year's fee shall be levied.
6. (a) In the case of students of the Maharaja's College, Ernakulam, who fail in Part II of the B. A. degree examination and who wish to do only practical work in the College laboratories with a view to appear for the next examination, a fee of Rs. 10 per term shall be levied for the use of the laboratories besides the caution money of Rs. 12—8—0 which they should deposit in the Treasury on the date of admission and from which deductions will be made for breakages. This concession shall not apply to students of other colleges.
7. If a boy in the primary department does not attend school throughout the whole of a month, no fee need be levied from him for that month.
8. If a boy in the secondary department does not attend school throughout the whole of a term, no fee of any kind need be levied from him for that term.
9. Students joining the Junior Intermediate and Junior B. A. classes of the Maharaja's College, Ernakulam and taking non-laboratory subjects, such as Mathematics, History, Economics, Logic or Malayalam as their optionals, are to deposit a sum of Rs. 10 each at the beginning of their course. The money after deducting the dues, if any, will be returned to the students concerned, when they leave the college.

65. An admission fee of 8 annas in the primary department of English schools, of Re. 1 in the lower secondary, of Rs. 2 in the upper secondary and of Rs. 3 in the college departments shall be levied.

In the case of *bona fide* private pupils seeking admission into the primary and lower secondary departments, an admission fee of Rs. 2 and Rs. 5 respectively shall be levied.

Pupils seeking admission to Form IV after passing Form III Public Examination as *bona fide* private pupils shall pay an admission fee of Rs. 10.

In Malayalam schools a fee of six annas shall be levied for re-admissions only.

Note 1:—No admission fee shall be levied from a pupil transferred from one school to another owing to the official transfer of the parent or guardian, provided the sanction of the Director has been obtained to the transfer of the pupil.

Note 2:—Commercial Classes.—

A. Fees.

- (1) Regular pupils of schools who have taken up commercial subjects as optionals for the School Final Examination will be exempted from the payment of any special fee for the subjects.
- (2) Regular pupils of schools who, not having taken up Type-writing as an optional for the School Final Examination, desire to practise it without prejudice to their regular study will be charged a special fee of Rs. 3 per term.
- (3) In the case of purely private pupils learning Type-writing and other commercial subjects in High Schools, where provision exists for the teaching of these subjects, an annual fee of Rs. 18 per pupil for Type-writing and Rs. 6 for each of the other commercial subjects will be collected in 8 equal monthly instalments, as in the case of secondary literary classes, of Rs. 2—4—0 and annas 12 respectively.
- (4) Private candidates are allowed to be coached up in Short-hand and Type-writing by the Commercial teachers of High Schools out of school hours i. e. from 8 to 9-40 a. m. and from 5-10 to 6-50 p. m., half the fee collected from private pupils being remitted into the Treasury and the other half paid to the Commercial teachers as remuneration for their extra work.

B. Admission.

- (1) An admission fee of Re. 1 per pupil will be collected from the private pupils joining the commercial classes attached to High

Schools unless their names are on the rolls of the school on the date of admission.

- (2) In the collection of fees from the private pupils in commercial classes, the rules laid down under Articles 66 and 67, C. E. C. Vol. I will be applicable; but in the matter of fines such pupils will be treated as pupils of the Lower Secondary Department.
- (3) The regular as well as private candidates will be allowed free use of Government type-writers, for class and examination purposes. But a caution money of Rs. 5 should be levied from each private candidate at the time of admission. This amount will be returned to them only on their leaving the school, after recovering the cost of damages to the machine.
- (4) In the case of regular pupils, who have not taken 'Type-writing as an optional subject for the School Final Examination, but who are allowed to practise Type-writing as private candidates no caution money will be levied from them so long as they are regular students of the school subject to the disciplinary control of the school.
- (5) With a view to enable private pupils who have to appear for the Madras Government Technical Examination in Type-writing and who have, therefore, to take the machines to the examination centres at Trichur and Ernakulam, the machine will be entrusted by the schools to the Commercial teachers who will accompany the pupils to the centres. The Commercial teachers who thus accompany the pupils will be considered as on duty during their absence from school and the pupils concerned will have to pay the teachers their usual travelling allowance.

66. The school year shall be divided into three terms to be called the Onam, the Christmas and the Summer terms. Every pupil shall be liable to pay the whole fee for a term during any part of which he actually attends the class, unless he or she applies for a transfer certificate within the first ten working days of the term. The fee, or the instalment thereof payable, shall be paid by a new pupil before his name is enrolled, and by an old one not later than the dates fixed for the collection of fees of the term. A pupil shall not be enrolled or admitted after the beginning of a term until after he has paid all fees or instalments of fees which he would have had to pay, had his name been on the rolls from the beginning of the term. If paid in instalments the fees shall be realised not later than the tenth of Karkadagam, Chingam, Kanni, Thulam, Vrischigam, Makaram and Kumbham and when the tenth happens to be a holiday not later than the next working day in the month. The Edavam instalment shall be collected not later than the 5th working day of the month. There shall be three instalments in the first term in the months of Edavam, Karkadagam

and Chingam, three in the second term in the months of Kanni, Thulam and Vrischigam, and two in the third term in the months of Makaram and Kumbham. Special fees shall be paid along with the first instalment of fees for the first two terms—one half being paid at the beginning of the first term and the other half at the beginning of the second term. In the primary classes, fees shall be paid monthly from Mithunam onwards not later than the tenth of each month and when the tenth happens to be a holiday not later than the next working day, two months' fees being levied in Meenam to make up for the vacation month of Medam. The Edavam fees shall be collected not later than the 5th working day of the month.

These rules shall apply to the college department as well, except that the three terms of the college year shall be called the Michaelmas (from June to September), the Christmas (from October to December) and the Easter (from January to April) terms, and that the payment of fees in instalments from the second onwards shall be made not later than the fifth working day of each of the succeeding English months, instead of the Malayalam months. The Principal may notify the date on which each instalment of fees shall be paid, and he is authorised to alter the date of payment of fees in the college classes under special circumstances.

The fees for each of the Intermediate and B. A. classes of the college shall be Rs. 84 and Rs. 112 respectively per annum payable in 8 equal instalments, three in the first term in the months of June, July and September, three in the second term in the months of October, November and December, and two in the third term in the months of January and February.

Every student in the college classes shall be liable to pay the fee for the whole term during any part of which his or her name is on the rolls.

Note 1:—In *bona fide* cases where admission is sought for professional or Honours courses in Madras and elsewhere, the Principal of the Maharaja's College, Ernakulam, is empowered to issue transfer certificates collecting only as many instalments as may fall due on the date of leaving.

Fee for the whole term shall be levied from students who may leave the college to take up courses for which provision has been made in this college.

Note 2:—The Director may modify or alter the dates for the collection of fees and write off irrecoverable arrears of fees up to a limit of Rs. 25 in each case.

67. If the fees are not paid within the time specified, a fine of annas 2 per week shall be charged for late payment of fees up to a maximum of annas 4 in the primary department of English schools, of annas 4 per week up to a maximum of annas 8 in the lower secondary department, of annas 8 per week up to a maximum of Rs. 1-8-0 in the upper secondary department and of annas 2 per day up to a maximum of Rs. 3 in the college classes. If the fees are not paid by the end of these periods, the student's name shall be removed from the rolls, and he / she will be readmitted only on payment of all the arrears and readmission fees. In the case of the Meenam instalment, the latest date for payment of fees with fines shall be the closing day. The names of pupils who fail to pay on that day with the fines that may have accrued till then shall be removed and they shall be readmitted on the reopening day only after levying readmission fees together with the arrears of regular fees.

68. If a pupil withdraws during the year, he shall, on rejoining, pay a readmission fee equivalent to the admission fee.

69. A pupil who leaves during the year shall have no right to claim a remission of any portion of the fee paid.

70. Managers or Headmasters of schools are required to keep a receipt book in cheque and counterfoil, and to give on demand by the guardian a signed receipt on payment of the tuition fee.

SCHOLARSHIPS.

71. *A. Open scholarships.* These shall be open to everybody of whatever class or sex and shall be awarded annually as follows:—

(1) One senior university scholarship of the monthly value of Rs. 20 tenable for three years for the Honours course in any of the colleges approved by Government or of Rs. 15 tenable for two years for the Pass course in any of the State colleges, to the best student who passes the Intermediate examination from a college in the State.

(2) Six junior university scholarships of the monthly value of Rs. 10 each tenable in any college in the State for two years will be awarded to the first six students who pass from a recognised High School in the State School Final Examination. Of these, one will be reserved for a girl who obtains the highest number of marks among girls in the School Final Examination, provided she obtains not less than 50 per cent of the total marks.

Note:—In the case of a candidate appearing for three optional subjects in the School Final Examination, the optional in which the candidate gets the lowest number of marks will be left out of consideration for purposes of deciding first class and scholarships.

(3) Ten upper secondary scholarships of the monthly value of Rs. 5 each tenable for three years in any upper secondary school in the State.

(4) 25 lower secondary scholarships of the monthly value of Rs. 3 each tenable for three years in any lower secondary school in the State.

The last two shall be awarded on the results of a special scholarship examination to be held for the purpose.

B. Scholarships special to members of backward or depressed classes.—A similar number of scholarships as in A shall be given annually to deserving pupils of the backward or depressed classes; but the stipends in the case of the senior university, the junior university, upper secondary and lower secondary classes shall be reduced to Rs. 8, Rs. 6, Rs. 3 and Rs. 2 respectively making allowance for the half rate of fees charged to members of backward classes and free education permitted to members of the depressed classes.

N. B.—The value of the Senior University scholarship will be Rs. 20 for the Honours course in any of the colleges approved by Government.

Note:—Out of the 25 lower secondary scholarships, 6 will be reserved exclusively for pupils of the depressed classes.

C. Scholarships special to Muhammadans only.—(1) One scholarship of Rs. 20 a month tenable for three years for the Honours course in any of the colleges approved by Government or of Rs. 15 a month tenable for two years for the Pass course in any of the State colleges will be given annually to the best Muhammadan boy who passes the Intermediate examination from a college in the State.

(2) One scholarship of Rs. 30 monthly tenable for four years will be given in alternate years to a promising Muhammadan boy from the State who has passed the School Final Examination to enable him to join the Muhammadan University at Aligarh.

Note:—In the absence of School Final applicants, the scholarship may be awarded to the best Muhammadan candidate from the State

who has passed the Intermediate Examination. In this case the scholarship will be tenable for two years only.

(3) Every Muhammadan girl in the primary, lower secondary or upper secondary classes of English schools in the State will be given a monthly stipend of annas 8, Rs. 3 and Rs. 5 respectively. Every Muslim girl studying in the Intermediate and B. A. classes in any of the colleges in the State will be given a stipend at the rates of Rs. 8 and Rs. 10 respectively.

(4) Every Muhammadan boy reading in the college or upper secondary classes of any institution in the State will be given a stipend of Rs. 6 and Rs. 3 respectively. This stipend will not, however, be given to a student who is granted a scholarship under clause (1) above.

Note:—Stipends shall be forfeited at the closing of schools for the mid-summer vacation, if the pupils are prevented from sitting for the annual examination by their failure to put in the required attendance.

D. Scholarships special to women.—(1) A literary scholarship of Rs. 20 a month tenable for three years for the Honours course in any of the colleges for women approved by Government, or Rs. 15 a month tenable for two years for the Pass course in the Maharaja's College, Ernakulam, will be given annually to the best woman student who passes the Intermediate Examination from a college in the State.

(2) The Lady Willingdon Scholarship will be given annually to the most deserving Cochinite girl student passing the Intermediate Examination, to enable her to continue her studies for the B. A. The value of the scholarship will be Rs. 15 per mensem, tenable in the Maharaja's College, Ernakulam, and Rs. 20 per mensem, tenable in one of the Women's colleges in Madras, or in the Presidency College for the Honours course. The Director's choice will be final provided the student chosen is certified to be in need of financial assistance by a competent authority. It will be tenable for the minimum period required for taking a degree either in the Pass course or in the Honours course.

E. Half-free scholarships.—(1) Six half-free scholarships tenable for two years in any college in the State will be awarded on the results of the School Final Examination to boys coming from any recognised school in the State.

(2) Fifty half-free scholarships tenable for three years in any upper secondary school in the State will be awarded on the

results of the special scholarship examination held under article 73.

(3) Fifty half-free scholarships tenable for three years in any lower secondary school in the State will be awarded in the same manner as No. 2 above.

These half-free scholarships entitle the holders thereof to remission of half the ordinary fee referred to in article 64, but they will be liable to pay in full the special fees prescribed in note (1) to article 64 and the admission fees prescribed in article 65.

These half-free scholarships are reserved for *bona fide* Cochinites and for pupils whose poverty is proved to the satisfaction of the Director of Public Instruction and are subject to the conditions in rules (2) to (4) and (6) and (7) prescribed for scholarship holders in article 75.

72. Scholarship bills shall be submitted monthly by the Headmaster of the school for counter-signature by the Director in Form No. IX, and the amounts should be disbursed to the holders as soon as the bill is cashed.

The stipends provided in article 71 C (3) and (4) shall also be disbursed monthly.

73. The examination referred to in the last para of article 71-A shall be conducted annually by the Board of Examiners appointed and shall be held annually in April or May at recognised centres. Obviously unfit pupils shall be discouraged by Headmasters from sitting for the examination.

74. The candidates shall be required to answer the following papers:—

(1) A paper of two and a half hours' duration in English including composition and translation from Malayalam or a modern language to English.

(2) A paper of two and a half hours' duration in general knowledge, and

(3) A paper of two and a half hours' duration in Arithmetic.

Each paper will carry 100 marks. No pupil will be eligible for a scholarship who does not obtain in the aggregate 150 marks.

75. Scholarships are awarded under the following rules:—

(1) The holders shall pay their tuition and other fees.

(2) They shall be conditional on good behaviour and progress. Failure to gain annual promotion means forfeiture of the allowance.

(3) If not availed of at the beginning of the school year they shall be forfeited.

(4) When the holder leaves one school and joins another with the sanction of the Director, the scholarship shall be tenable in the latter school.

(5) Each holder shall acknowledge receipt of his allowance in an acquittance roll book.

(6) Holders absent for more than three months for *any cause whatsoever*, shall render themselves liable to forfeit their allowances. All such cases must be reported to the Director.

(7) Casual leave for urgent reasons may be given to a scholarship holder, for not more than 15 days in the year and not more than 3 days at one time. It shall not be taken in anticipation of sanction.

(8) Absence without leave is strictly forbidden. A scholarship holder, who violates this rule and stays away without permission, forfeits his scholarship for the days of absence, and for any holiday which may precede or follow the absence.

(9) Scholarships are given only to *bona fide* Cochinites. In doubtful cases the decision of Government will be final.

(10) All scholarships and stipends shall cease with the examinations at the end of the courses for which they are allowed.

These rules, excepting clause (3) shall apply to all kinds of stipends as well.

Note:—The Director may grant exemption from the restrictions contemplated in clauses (iii) and (x) in deserving cases.

75-A.

A. (1) The children of all men of whatever rank, whether combatants or non-combatants, who have since 4th August 1914, died, while on active duty or become permanently incapacitated owing to wounds or disease contracted while on the active list and who are *bona fide* subjects of the State, will be entitled to the following concessions on receipt of their applications through the Agent to the Governor-General in Form No. 21.

(a) Free vernacular primary education or anglo-vernacular primary education as a scholarship holder, the value of the scholarship being fixed at Rs. 2 a month, plus an annua

allowance in either case, of Rs. 12 to cover incidental charges for books, etc.

(b) Lower secondary education as a scholarship holder, the value of the scholarship being fixed at Rs. 4 a month, plus an annual allowance of Rs. 14 to cover incidental expenses.

(c) Upper secondary education as a scholarship holder, the value of the scholarship being fixed at Rs. 6 a month, plus an annual allowance of Rs. 30 to cover incidental expenses.

(d) Industrial education on stipends of the value of Rs. 4 a month, plus an annual allowance of Rs. 9 to cover incidental expenses:

Provided that

(i) The holders of the allowances satisfy rules 2, 4, 5, 6, 8 to 10 of article 75.

(ii) No scholarships and allowances excepting the industrial will be open to children who up to the age of ten have not attended any school. Cases where a rigorous application of this rule may cause hardship will, however, be leniently viewed.

(2) The scholarships and allowances under these rules will be disbursed to pupils attending Government primary schools by the Inspecting officers concerned, and in the case of pupils attending Government secondary and industrial schools, by the Headmaster of the institution concerned. In the case of pupils attending aided institutions, the Manager of the institution concerned will disburse the amount.

(3) The Government will not interfere with the discretion of the guardians as to the institution to which the child should be sent provided the institution is within the State and is recognised by the Education Department.

(4) An officer commanding any Military unit may be given such information as is possible, regarding the education of the children of any man of his unit coming under the category described in sub-para 1 of rule 1 above, should he call for it.

(5) The continuance of the scholarships and allowances herein sanctioned will be subject to the conditions laid down in rule 1 and to any other regulation that may be framed hereafter by the Director of Public Instruction.

Further

B. The children of all soldiers who joined during the war will be given primary education free and secondary education at half rates, provided they are *bona fide* subjects of the State.

CHAPTER IX.

Grant-in-Aid Rules.

76. The rules in this chapter are a mere definition of the circumstances under which aid may be given to schools. Grants are a matter of grace and cannot be claimed as a matter of right; and all the rules contained in this chapter must be read as subject to the absolute right of the State to grant or reject any application at discretion.

77. Government reserve to themselves, anything in the rules of this Code notwithstanding, the right to refuse or to withdraw any grant or any portion of it at their entire discretion.

78. Aid shall be granted on the following conditions:—

(1) The school shall be subject to the rules of the department and be open to regular inspection and to a full examination and audit of its accounts, vouchers being produced for all receipts and disbursements. It shall maintain the records prescribed in Volume III and submit such returns as may be called for.

(2) The school shall be under the management of one or more persons who in the capacity of proprietors, trustees, managers or members of a committee are prepared to undertake the general superintendence of the school and to be answerable for the proper application of its funds and its permanence.

(3) If the management of the school vests in a body of two or more persons, the constitution of the management must be embodied in definite written rules which should prescribe among other things the manner in which the managing body shall be appointed, the conditions of the tenures of their office and their duties and powers with respect to the management.

(4) The Director must be satisfied that the building and the premises are sanitary, in good repair, properly drained and ventilated and contain sufficient accommodation, that each class is provided with the furniture and apparatus necessary and that the staff is competent as to qualification and numbers for the grade to which the school is registered.

(5) No pupil shall be refused admission or sent away on capricious grounds or for reasons not conformable to the educational policy of Government.

(6) The staff must be approved by the Director and every change in the staff or management shall be duly reported for his approval.

(7) No portion of the income of the school shall be utilised for other than strictly educational purposes.

(8) Laxity in the promotion of pupils shall not be allowed.

79. With the sanction of the Director, the manager of an aided school may appoint any person to act on his behalf as correspondent with the department. The Manager shall be bound by the acts of his correspondent. When the correspondent is a teacher, he shall in no case be any other than the Headmaster of the institution in which he is employed.

80. All applications for aid shall be submitted in Form No. X, not later than the 15th of April, so that provision may be made in the budget.

81. The grants-in-aid obtained are:—

(1) Half-salary grants to fully trained teachers.

(2) Ordinary grants calculated on the difference between the income and expenditure of a school.

(3) Special grants for land, buildings for schools, hostels, and boarding houses for girls, school furniture, and school equipment including library.

82. The employment of fully trained and full-time teachers will enable a school to obtain a salary grant equal to half the salary given by the school, up to a maximum of the scale laid down for Government schools. If any teacher receives an actual salary higher than the maximum, half of that actual may be taken into account in the grant-in-aid bill subject to the orders of the Director. The half-salary paid by the school *must be in cash, board and lodging supplied by the management not being accepted as an equivalent.* No deductions of any kind may be made, and each teacher will sign in the acquittance roll book kept for the purpose, *for the whole salary* that he receives each month.

Note 1:— Half-salary grant will also be allowed on behalf of those teachers who have passed the theory portion of the Trained Teachers' Certificate Examination, from the date of publication of its results, but such grant will be discontinued in the case of those who do not get through the practical examination held after one year, it being disallowed from the date of publication of the results of that examination.

Note 2 — Assistant teachers who are trained in Industries or Agriculture will also be allowed half-salary grant under this article subject to the following conditions:—

- (1) It will be given only from the date of completion of one year after their reversion from training.
- (2) They should have passed their respective examinations fully.
- (3) Teachers trained in Industries and Agriculture should have done satisfactory work in the school and made themselves generally useful to such of the public as seek their advice or assistance.
- (4) Previous sanction of the Director should be obtained in each case before their half-salary grant is claimed.

83. Deleted.

84. No teacher shall teach in a department of a school, for which he is not qualified by his license.

85. No half-salary grant shall be given for any class if its strength is less than 30; but in particular areas or in Girls' schools, the Director may fix a lower minimum.

86. Any mis-representation of facts or presentation of a wrong bill with a false certificate or claim will not only render the drawer of the bill legally answerable for such false statements, but will also render the school liable to removal from grants and from recognition.

87. Ordinary grants shall be calculated and paid on the actual difference between the income and the expenditure, subject to a reduction of one-fourth when the strength of a class or form falls below 30 but not *below 25*, and of one half when it falls below 25. In the case of specially backward areas or communities, the Director may fix a lower minimum.

88. The *income* shall include:—

- (1) Half-salary grants to fully trained teachers.
- (2) Total of fees, *that ought to have been received during the year.*
- (3) Contribution from the Manager, which, for the purpose of the grant-in-aid bill, shall be one-fourth of the net expenditure, i. e., one-fourth of the difference between the net cost of the staff and fees, the net cost of staff being the difference between the actual cost of staff and the salary grant.

(4) Grants from missionary or private bodies *for the day-school-proper and not for any attached boarding institutions.*

89. The *expenditure* shall include the actual cost of the staff during the year and 12½ per cent of the same for contingencies, subject to the following conditions:—

- (1) In schools where the staff receives no fixed salaries the cost of the staff, if qualified under the rules, shall be

that of the Government schools of the same grade. The salaries of none but—

(a) teachers licensed and fully qualified under article 69 of the Code,

(b) teachers who, on 15th June 1911, have had 15 years' or more continuous service and have passed the examination under Chapter XII, shall count for expenditure.

(2) Ordinarily, the grant shall be equal to, but in no case shall it be greater than, the excess of expenditure over income. It may however be reduced, first, if the guaranteed contribution of the manager is insufficient for the general purpose of the school, and secondly, if the attendance is so small as to increase the amount of grant.

(3) In cases where the half-salary grant and fees exceed the actual cost of the staff, but is less than the expenditure, the Manager's contribution shall be calculated as one-fourth of the difference between the expenditure and income (half-salary grant and fees). In cases where this income exceeds the expenditure, the half-salary grant shall be curtailed to cover the difference between the two.

90. The maximum sum a school may draw shall be the sum required to meet that part of the current expenditure of the day-school, which will not be covered by fees, endowments and grants from missionary or private bodies.

Note:—Special grants are not permissible as credits on the receipt side in the grant-in-aid bill.

90. A. (1) Both the ordinary and half-salary grant bills for a period should be submitted together and in duplicate at the end of the period to which the claim relates. The primary schools will, however, submit the grant bills monthly, at the end of each month and the secondary schools quarterly, at the end of each quarter. The secondary schools to which Malayalam primary departments are attached will, however, submit bills monthly for the secondary department, also, as in the case of primary schools.

(2) Every grant bill should be accompanied by the Teachers' attendance report for the period to which the bill relates, and the teachers' acquittances for their pay. The declarations in both the ordinary and half-salary grant bills should be carefully gone through and signed by the Manager. The date of encashment and the amount of the main bill of the just preceding period should be noted in all bills in respect of the

half-salary and ordinary grants. In the case of schools that have joined the Cochin Aided School Teachers' Provident Fund, the bills should be accompanied by a statement showing the amount of teachers' subscriptions and the Managers' contributions to the fund during the month or quarter, and also the chalan of remittance thereof into the treasury. The chalans will be returned to the Managers after perusal with the countersigned bills. Schools maintained or managed by Government and which have Personal Deposit accounts with the treasuries are exempted from the production of teachers' acquittances and the chalan of remittance of the subscription to the fund. The last date of the remittance of the amount of a month to the credit of the fund is the 8th of the succeeding month. The bills of schools that have not remitted the amount within the prescribed date will be passed only if the Director is satisfied that the delay was on reasonable grounds.

(3) The Inspecting Officers will countersign the grant bills of the aided Malayalam primary schools under the jurisdiction of each, while all other grant bills will be countersigned by the Director.

(4) The special fees (library, stationery and games fees) collected in secondary schools are not to be entered as receipts in grant bills. They should be spent wholly for the purpose for which they are collected, and exclusively for the benefit of the pupils. Deviations will be permitted only in exceptional cases, with the previous sanction of the Director. As a rule the amount of special fees, collected in an educational year would be wholly spent in that educational year itself. If, however, there is any unspent balance in any year sanction should invariably be sought for to carry over the unspent balance to the next year's account and the amounts carried over should be spent away in that year to which they are carried over. The bills of the third quarter of a secondary school will be countersigned only on production of the statement of expenditure under the special fees collected during the educational year as detailed above, and also vouchers in support of the expenditure. The Managers may continue sending the statements and vouchers along with the bills of other quarters also, but the accounts of special fees should be complete before the bill of the third quarter shall be countersigned.

91. Special grants may, when funds permit, be given up to a third of the cost of the erection, purchase, or enlargement of school buildings, buildings for hostels and boarding houses for

girls and up to half the cost of furniture and educational apparatus under the following conditions:—

(1) that in the case of buildings, the application, which shall be submitted before construction is begun, shall be accompanied by a detailed plan and estimate prepared by a professional or competent person;

(2) that the Director is satisfied that the work has been done in accordance with the sanctioned plan and estimate;

(3) that grants are not given to pay off debts on buildings or for former expenditure, or for buildings or enlargement not meant for any purposes other than purposes of education;

(4) that the grantee shall execute an agreement for the grants paid in Form No. XV;

Note:—The agreement must be executed by the owner or owners of the building, enlargement, etc., as the case may be. The agreement should also be registered if the amount of the grant is Rs. 100 or more.

(5) that all applications under this head reach the Director by 15th April.

91. A. Any persons affected by an order of the Director under this chapter may prefer an appeal to the Diwan within 30 days from the date of receipt of such order. Every appeal thus preferred shall be accompanied by a copy of the order appealed against.

CHAPTER X.

Vacations and Holidays.

92. The following vacations are fixed for all schools—Government or aided:—

(1) Christmas vacation—Two weeks from 22nd December to 5th January.

(2) Summer vacation—From the last day of March to the first Monday after the 29th May.

93. The minimum number of days of work during the year in all schools shall be 180.

Note:—The Director may grant exemption from this rule and sanction the closing of schools for special reasons.

94. The following holidays shall be observed by all schools:—

Attachamayam	..	1 day
Onam	1 week, the exact dates being notified by the Director	
Vinayakachaturti	..	1 day
Upakarmam or Avaniavittam..		2 days
Ashtami Rohini	..	1 day
Navarathri	..	3 days
Deepavali	..	1 day
Sivaratri	..	1 day
Vishu	..	1 day
Karkataka Sankramam	..	1 day
Karkataka Amavasi	..	1 day
Corpus Christi	..	1 day
Easter	..	3 days
Maharaja's Birthday	..	1 day
King's Birthday	..	1 day
Solar Eclipse	..	1 day
Inter-school sports (special to the sports centre only)		2 days
Mohurrum	..	3 days
Bakrid	..	1 day
Ramzan	..	1 day
All New Moon days	..	
Thula Sankramam	..	1 day
Makara do	..	1 day
Thiruvathira in Dhanu	..	1 day
Thai Pooyam	..	1 day
Makom in Kanni	..	1 day

Note 1.—One full Saturday should be worked for 2 New Moon holidays availed of, and schools which do not make up the required minimum of 180 working days after availing of all these holidays will have to work on free Saturdays to cover the deficiency.

Note 2.—Deleted.

CHAPTER XI.

Training Schools.

95. The rules under which Training Schools for general education are conducted are given below:—

(1) The minimum qualification for admission is a pass in the Matriculation or the School Final Examination for the

Secondary grade, and the completion of Form VI course for the Elementary grade.

(2) The period of training shall be one year irrespective of previous teaching experience and other professional qualifications.

(3) Tuition shall be ordinarily free and stipends at the following rates shall be paid:—

FOR MASTERS AND MISTRESSES.

Secondary grade training—half their pay at the time of deputation subject to a minimum of Rs. 20. Elementary grade training—half their pay at the time of deputation subject to a minimum of Rs. 15.

L. T. training—half their pay at the time of deputation subject to a minimum of Rs. 30 and a maximum of Rs. 40.

Note 1.— Teachers from aided schools shall be admitted only (1) if they execute agreements to the managers of the schools concerned to go back to serve the schools they come from or such other schools to which they may be transferred under proper authority for an aggregate period of at least 3 years, and (2) if the managers execute agreements in Form No. XIX (2) holding themselves responsible to the department for the stipends in case the stipendiaries fail to abide by the conditions imposed. In case of default, the amount due shall be recovered from the grants due to the school, but if no such grant is available, the manager shall be held personally responsible according to the agreement.

Note 2.—The amount of stipend payable shall be fixed when the teacher is deputed for training and it shall be specified in the agreement taken at the time of deputation. A periodical increment accruing during the period of training shall have effect only from the date on which the teacher rejoins duty after training, but an increase of substantive pay due to a general revision in the department shall take effect immediately.

Note 3.—Teachers selected for special training within the State, such as for Agriculture, Industries, etc., will be allowed stipends at the rates fixed for Secondary and Elementary training.

School Finals and under-graduates will be paid at the secondary rates and those with lower qualifications at the elementary rates. Graduates will be paid at the rate prescribed in the general rule in article 51, C. S. R. Graduate teachers selected for special training outside the State may, however, be given such stipends as may be fixed by the Head of the Department with the sanction of the Government.

Note 4.—Private candidates will also be admitted into both the grades in the Training School as non-stipendiaries on payment of fees at the rate of Rs. 24 per annum for the Elementary grade and Rs. 40 per annum for the Secondary grade, payable in eight

equal instalments. Those candidates who have put in an uninterrupted service of not less than one year as teachers in any of the recognised schools of the State will be exempted from payment of fees. Members of the Depressed Classes will be given free tuition. Admission fees at Rs. 2 and Re. 1 will be charged from the private candidates seeking admission into the Secondary and Elementary grades respectively. Re-admission fees will be levied at the same rates. If the fees are not paid within the time specified a fine of annas four per week up to a maximum of annas eight in the Elementary grade and of annas eight per week up to a maximum of Re. 1-8-0 in the Secondary grade will be charged for late payment of fees. If the fees are not paid by the end of these periods, the pupil's name will be removed from the rolls and he/she will be readmitted only on payment of all the arrear and readmission fees.

96. Teachers who have not obtained certificates as fully trained teachers, other than those specially exempted by the Director, shall be called upon to undergo training in the State, or elsewhere. The minimum age for admission is 18 in the case of stipendiary candidates and 17 in the case of private candidates.

Note:—Teachers trained in Industries or Agriculture will be exempted from the provision of this article so long as they do not become Headmasters or Headmistresses.

97. Teachers under training as stipendiaries are allowed the following privileges:—

(1) They shall be treated while under training, as still in the service.

(2) The period of training shall qualify for increments of pay, permanent promotions and leave.

(3) Travelling allowance shall be granted for journeys to and from the Training institutions.

98. A candidate for admission shall produce a certificate of health signed by a medical officer not below the rank of Sub-Assistant Surgeon and his transfer certificate.

99. At the end of the training the students shall undergo an examination in the subjects prescribed in the curriculum in Volume II. They shall after one year be subjected to a written test consisting of Malayalam for all and English for those of the Secondary grade and teachers in English schools. There will be only one examination *written* and *viva voce*, every year.

Note 1:—All teachers who pass or have passed all the subjects of the old T. T. C. with the exception of Mathematics will be considered as fully trained.

Note 2:—Old incompletely trained teachers appearing for Malayalam or Method will be permitted to answer the first paper in Malayalam (omitting questions on non-detailed portions) or the second paper in Method of the new T. T. C.

Note 3:—Teachers, who have passed Malayalam, either optional or compulsory, of the Intermediate Examination in Arts, will be exempted from the course and examination in Malayalam.

Note 4:—All those who had had a full year course in Agriculture in the Central Farm or in Industrial subjects in the Government Trades School, Trichur, will be exempted from the course and examination in Agriculture or Handicrafts in the Training School.

Note 5:—Trained teachers of the Elementary grade who complete their School Final certificates will be considered to have passed the training examinations in the Secondary grade provided they have secured 10 per cent marks more than the minimum prescribed for each subject at the Elementary grade examination.

100. Successful candidates will be given provisional certificates signed by the Director which will be made final after the holders thereof have subsequently put in 18 months' approved and satisfactory service in recognised schools in or outside the State provided that within these 18 months, the certificates contain the remarks of the Inspecting Officer as to the satisfactory nature of the teacher's work.

Note:—Duplicate certificates may be issued for good reasons and on payment of a fee of Rs. 3.

CHAPTER XII.

Special Classes and Examinations for Teachers.

101. (1) For children below 5 years of age a Montessori class will be attached to the Primary department of the Training School. A fee of 8 annas per mensem will be levied from these pupils, they being exempted from the ordinary rules regarding admission, withdrawals, attendance and fees. For readmissions a sum of annas 6 will be charged.

(2) A special Music class will be attached to the V. G. S., Trichur, to provide for advanced study in Music and also to train up candidates as Music teachers. It will comprise three

sections, the Preliminary, the Junior and the Senior; fees in these shall be as follows:—

Class.	Admission fee.	Tuition fee.
	Rs.	Rs.
1. Preliminary	1	16 per annum in 8 instalments.
2. Junior	2	24 do
3. Senior	3	40 do

Note:—The course of study shall extend in these classes over a period of 8 years, being divided into

- (a) The Preliminary, consisting of 4 years.
- (b) The Junior and
- (c) The Senior, each of two years.

- (2) No pupil shall be eligible for admission into the Preliminary unless she has passed the Third Form Public Examination and an Entrance Examination in Music of the Lower Secondary standard. Pupils of the V. G. S., Trichur, reading in Form III shall however be eligible for the same as there are special facilities for Music teaching in this school.
- (3) Entrance into the Junior Class shall be strictly confined to successful candidates of the Preliminary class, the G. I. School Final year, and the S. S. L. C. Optional Music. Those who have attained proficiency in Music equivalent to these and have passed the Third Form Public Examination shall also be admitted to the above Preliminary Examination as private candidates and on passing shall be admitted to the Junior class.
- (4) Entrance into the Senior class is strictly confined to successful candidates of the Junior class or teachers already in service but desirous of qualifying themselves for higher licenses.
- (5) The course in the Preliminary, Junior or Senior may be shortened by one year if any pupil were to show exceptional proficiency as also to Teachers having approved service of three years.
- (6) There shall be Government Examinations for the Preliminary, the Junior and the Senior. The fee for admission to the Examination shall be Rs. 3 for the Preliminary, Rs. 5 for the Junior and Rs. 8 for the Senior. The Examination for the Preliminary shall be the same as the S. S. L. C. Public Examination in Optional Music. The Examinations for the Junior and Senior shall consist of two written papers each of 2½ hrs. duration and two Practical Tests and *Viva Voce* as hereunder.
 - i. One paper in "Theory of Music".
 - ii. One paper in the "Principles of Teaching Music".

- iii. One Practical Test in "Ability to sing".
 iv. One Practical Test in the "Actual handling of a class".
 v. *Viva voce*.
 (7) Practical test, i. e., iii in 6 supra for the Junior class shall comprise the following:—

(a) Adithalavarna in two kalams.

(b) Krithi (c) Kirthanam (d) Raga (e) Swara (f) Talam and for the Senior (a) Adathalavarna in two kalams (b) Krithi (c) Kirthanam (d) Padam (e) Manodharmaragas (മനോധർമ്മ) (f) Swaras, Sruthi, and Tala, etc., 35 per cent of marks in i and ii (written test) in 6 above and 35 per cent in iii, iv and v (Practical) shall be required for a pass in either Junior or Senior. Pupils can appear for the two parts together or in parts. A fee of Rs. 3 for each part in the case of the Junior Examination and a fee of Rs. 5 for each part in the case of the Senior Examination shall be levied if pupils appear in parts.

- (8) Those who secure a pass in both parts in the Junior Examination shall be given a "Junior Certificate" making the person eligible for a teaching license up to and inclusive of the Lower Secondary, and those who secure a similar pass in the Senior shall be awarded a "Senior Certificate" which shall entitle the person for a Secondary license.

(3) Similar examinations for appointment as Needle-work teachers in Secondary and Primary schools will be instituted and those who pass in these examinations will be qualified to teach in schools.

(4) Examinations will also be instituted for other specialists as noted below :—

Sanskrit Pandit.
 Malayalam Pandit.
 Q'ran teachers.
 Drawing Master.

Sanskrit Pandits' Examination.
 Malayalam Pandits' Examination.
 Q'ran Teachers' Examination.
 Practical Examination in Drawing.

N. B.—The syllabuses for the above examinations will appear in Volume II. Those desirous of being appointed as Arabic Munshis should pass the Travancore Arabic Munshis' test, and Drill Masters, the Gymnastic Examination held by the Madras Government or other approved test. Drawing Masters should have passed the Madras Government Examinations before appearing for the practical examination.

102. Heads of High Schools shall form classes for the instruction of their subordinates in the Lower Secondary and

Primary departments. The Inspectors should arrange for such instruction.

CHAPTER XIII.

Night Schools.

103. Night Schools shall work under the following rules:—

- (1) The hours of work shall ordinarily be from 7 p. m. onwards—3 periods of 50 minutes each.
- (2) The course shall extend over two years.
- (3) The curriculum is prescribed in Volume II. It may with the sanction of the Director be modified to suit local conditions.
- (4) No fees shall be charged.
- (5) Night schools shall be eligible for aid under the ordinary grant-in-aid rules.

CHAPTER XIV.

Hostels.

104. Hostels shall be subject to periodical inspection and shall work under the rules prescribed in each case.

CHAPTER XV.

The Text-book Committee.

105. The Text-book Committee shall consist of 13 members appointed for three years by Government.

106. Its constitution shall be as follows:—

- | | |
|-------------------|--------------------------------------------------------------------------|
| <i>President.</i> | Director. |
| <i>Members.</i> | (a) Two Headmasters. |
| | (b) Two Headmistresses. |
| | (c) The Senior Sanskrit and Malayalam Pandits of the Maharaja's College. |
| | (d) Two distinguished literary men. |
| | (e) One member of the Malayalam Improvement Committee. |
| | (f) One member of the Oriental Department of the Madras University. |
| | (g) Two of the Inspecting Officers. |

107. The duty of the Text-book Committee shall be to decide as to the suitability of books forwarded to it for opinion and to make recommendations on subjects that come within its purview.

108. A Board of Studies appointed for three years by Government consisting of the Director as Ex-officio Chairman and four members, two selected from the Text-book Committee and two from outside, shall recommend text-books from among the list of books approved by the Text-book Committee to the Director for the orders of Government.

Note 1:—The Chairman will ordinarily be guided by the advice of the members but in the case of difference of opinion his opinion shall prevail.

Note 2:—One of the official members shall be appointed as Secretary to the Text-book Committee and the Board of Studies.

109. The Board of Studies shall ordinarily meet in December of each year.

110. The Text-books shall be the same in all schools and unless otherwise ordered by Government be in use for not less than five years.

111. The list of books approved and prescribed shall be published in the Gazette.

CHAPTER XVI.

The School Final Certificate.

112. Certificates shall be awarded on the completion of their school course to boys or girls, who have attended a recognised secondary school from the Fourth Form upwards and have attended each of these Forms for the full number of days required by this Code.

Note:—Trained teachers, who have failed in Form VI and failed or passed in Form V or IV but who still desire to improve their literary qualification, will be allowed to appear for the special examination for teachers if they have previously put in not less than two, three or four years' continuous teaching service respectively in recognised schools of the State.

113. The certificates shall be awarded by the Board of Examiners on the results of written examinations held once a year,

114. The certificate shall take into account the school work done by the pupils from the Fourth Form upwards, and shall also contain, the results of the public examination conducted by the Board.

115. The subjects of study will ordinarily include those specified in Volume II. The change of a subject under Group C (optional subjects) once chosen when a pupil has already reached the Sixth Form, cannot ordinarily be permitted unless he begins from Form V again.

Note 1:— The subjects under Group 'C' should ordinarily be studied for at least six terms, i. e., for 3 terms in Form V and 3 in Form VI before taking the 1st Public Examination. In exceptional cases and for valid reasons pupils may with the approval of the Director be permitted to change the subject at the beginning of the course in Form VI; no subject under Group 'C' can be presented for the Public Examination if it has not been studied at least during the entire course in Form VI.

Note 2:— The Director may grant exemption from the study of Vernacular to deserving pupils up to and inclusive of the School Final class, subject to the condition that such exemption will not hold good for College classes.

116. Every pupil on entering a Fourth Form shall be provided with a blank certificate, in the form given in Volume III, to be kept in the custody of the school so long as he or she remains there, the entries in the certificate for each term being made in due course by the Headmaster.

Note 1:— The certificate is the property of the pupil and shall be delivered up to him when he quits the school.

Note 2:— When evidence is laid before the Director showing that any person to whom a certificate has been or is proposed to be given under the rules, has been convicted by a court of what is, in his opinion, a serious offence, the Director may himself cancel or withhold the certificate.

117. At the end of the course, the Headmaster shall forward to the Secretary to the Board the certificates of such of his pupils as wish to appear for the public examination.

118. No pupil shall appear for the public examination unless he is fifteen years of age on the first day of the examination. The Director may, in special cases, grant exemption from age-bar in the case of pupils appearing for the S. S. L. C. Examination.

119. The fee for admission to the examination shall be twelve rupees.

120. The public examination shall include the subjects of Group A, and any of the subjects of Group C as specified in Volume II.

121. The marks obtained out of a maximum of 100 in each subject at this examination shall be entered by the Board on the last page of the certificate, and the Board shall also be competent to moderate the marks obtained in school work except those obtained in the subjects of Group B in conformity with the principles laid down by the University.

122. The certificates thus filled in and completed shall be returned by the Board to the Headmaster of each school for delivery to those who are leaving the school.

Note 1:— Duplicate Certificates may be issued for good reasons and on payment of a fee of Rs. 5.

Note 2:— The Secretary to the Board of Examiners may, on application, issue a certified extract of the Public Examination marks of a candidate on payment of a fee of rupee one.

123. The certificate of a pupil who is not, in the opinion of the Headmaster, competent to appear for the public examination shall, if he is leaving the school be endorsed to that effect over the Headmaster's signature in the proper column.

124. If a pupil wishes to improve the certificate whether in regard to its quality in one or more subjects already brought up, or by bringing up additional subjects under Group C, he may go back to the same or any other recognised school and appear at a succeeding examination conducted by the Board in any subject or subjects in which the examination is held:

Provided, however, (1) that for the purpose of improving the quality of the certificate in one or more subjects already brought up, a candidate can sit for the examination as a private candidate, if he has appeared once for the public examination from a recognised school in the State and failed to complete his certificate. In such cases, the words "appeared as a private candidate" shall be endorsed on the certificate;

(2) that for the purpose of improving the quality of the certificate in one or more subjects already brought up, a candidate who has been employed as a teacher for at least one school year in a recognised school in the State can sit for the examination as a private candidate if he has appeared once for the public examination from a recognised school in the State and failed to complete the certificate;

(3) that for the purpose of improving the quality of the certificate in one or more subjects already brought up, a candidate who has been declared eligible for the University course can sit for the examination as a private candidate if he has completed the Intermediate course and failed to pass that examination;

and (4) that for the purpose of improving the quality of the certificate in one or more subjects already brought up, non-stipendiary incomplete School Final pupil teachers of the Training School with no teaching experience will be allowed to appear privately for the School Final Examination.

Note.—No person who is eligible to appear for the examination of any year as a 'private' candidate will be admitted as such, if his or her name is on the rolls of a school during any part of that school year.

125. The fee for the re-examination shall be Rs. 12, if the re-examination be in a subject or subjects in which a pupil has already been examined by the Board, and if otherwise Rs. 3 for each new subject under Group C. The fee at a time shall, under no circumstances, exceed Rs. 12. In either case a further endorsement shall be made on the pupil's original certificate with regard to his or her progress in a manner similar to that laid down for the entries in the original certificate.

126. At the beginning of each school year, the Headmaster of each recognised school presenting pupils for the examination shall prepare a preliminary list of the rolls who intend applying at the close of the school year, with the subjects they take up, and shall forward it to the Secretary to the Board.

127. Not later than March 1st of each year, the Headmaster shall prepare a final list of those pupils whose names are on the revised list, and whom he considers as qualified to appear for the March examination. No pupil shall be sent up who has not kept the full attendance required by the Code or whose progress and conduct have not been satisfactory.

Note 1:— Pupils of Form VI need put in only an attendance of 75 per cent of the total number of working days in the year, attendance being calculated up to the date of despatch of the S. S. L. C. books from each school to the Secretary to the Board of Examiners.

Note 2:— The Director may, in special cases, grant exemption from minimum attendance in the case of pupils appearing for the S. S. L. C. Examination.

128. In subjects in which regular instruction is not given at school, the school marks of a candidate need not be entered

in the school record. The admission of such candidates should have the previous sanction of the Director.

CHAPTER XVII.

Teachers' Conferences.

129. The schools of the State shall be grouped together, from time to time, by the Director for the purpose of holding Teachers' Conferences on matters of educational interest. Nothing shall be discussed outside the province of education.

130. The conferences shall ordinarily be held once a year.

131. The Director may convene a conference of the Inspecting Officers, their deputies, the Heads of all High Schools in the State, the Principal, Government Training Institution, and the Secretary to the Board of Examiners, the Text-book Committee and the Board of Studies not oftener than once a year and submit for the information of Government a copy of the proceedings.

132. On no account should the Education Code and its provisions be the subject of discussion at the conferences without the written approval of Government previously obtained.

REPORT
ON THE
EDUCATIONAL SURVEY
OF THE
COCHIN STATE.

1108



ERNAKULAM:
PRINTED AT THE COCHIN GOVERNMENT PRESS.
1932.



PROCEEDINGS OF THE DIWAN OF COCHIN

DEVELOPMENT DEPARTMENT

(Education.)

Educational Survey—Report on—

No. 102.—READ (1) Diwan's Proceedings C. No. 1249/1106, dated 22nd December 1930, Development Department.

(2) Letter C. No. 6347/1106, dated 24th October 1932 from the Director of Public Instruction.

And (3) Sarvadhikariakar's communication A. No. 561/1108, dated 9th November 1932.

Order D. 2. 1249/1106, dated 12th November 1932.

Government, considering it desirable that a thorough Survey of the educational activities of the State should be conducted, ordered the Director of Public Instruction in December 1930 to undertake a Survey. The Director has now completed the Survey and submitted his report.

2. Government have read with interest the excellent and very useful report drawn up by the Director of Public Instruction and direct that it be published in the Gazette for the information of the public. The report and the enclosures to it are appended to these proceedings.

3. Orders will issue in due course on the appointment of the Committee suggested by the Director.

(True extract)

RAMA VARMHA TAMPURAN,

Secretary to the Diwan.

To

The Director of Public Instruction,
The Press Bureau,
The Gazette.

Ref. on C. No. 6347/1106.

OFFICE OF THE DIRECTOR OF PUBLIC
INSTRUCTION,

Trichur, 24th October 1932.

From

I. N. MENON Esq., M. A., B. Litt. (Oxon),
Director of Public Instruction.

To

THE SECRETARY TO THE DIWAN,
Development Department.

Sir,

Subject :—Report—Educational Survey.—

Adverting to the correspondence ending with my report, dated 19th May 1931, R. O. C. No. 6347/1106, and in obedience to the orders of Government contained in Diwan's Proceedings R. O. C. No. 1249/1106, dated 3rd March 1931, Development Department, I have the honour to submit the following Report on the Educational Survey of the State conducted with special reference to the existing organisation of education and the provision that has to be made for the future. As no special agency was available for the collection of data beyond the usual departmental machinery and as I was constantly interrupted by the needs of the day-to-day administration of the department and by a serious domestic catastrophe which both the people and the Government of Cochin have been generous enough to acknowledge as an irreparable national loss, the submission of this report took longer than I had anticipated.

2. I have tried to go beyond the mere recording of figures and ventured to draw inferences and suggest reforms as the ultimate purpose of the inquiry was not merely the collection of dumb statistics, but, their interpretation and utilisation for constructive proposals for the elimination of waste and the ensuring of steady progress.

I. THE PROBLEM OF THE SURVEY.

3. The need for a survey of the condition of education in Cochin was brought to the notice of Government by different sets of facts and by different agencies.

(1) In the first place Government were struck by the enormous recurring expenditure on education and the annual increase in the education estimates which, far from showing any tendency to abate with the satisfaction of demands, seemed to carry an inherent urge towards inflation. The total expenditure on education stood at Rs. 1,25,998 in 1083, the year in which Mr. Banerji, the then Diwan, published his memorable note suggesting certain "measures for the improvement of education and for the reorganisation of the Department of Public Instruction". The figures for 1105 were Rs. 12,27,271. The growth of expenditure during this period of over two decades might have been very necessary for the expansion of education as outlined in the despatch referred to above and embodied in the Code of 1086; but, the fact remains that many of the productive schemes calculated to enhance the revenues of the State had been nearly completed by 1083 and there had not been since then any parallel growth in the resources of the State. Expenditure on other and equally important public services like sanitation and medical relief, agriculture, irrigation and industries had also grown though to some extent this very desirable increase had to be curtailed on account of the yearly increasing commitments of Government on education.

(2) The attention of Government was drawn to the appalling growth of expenditure on education by a Memorandum of the Managers' Association

submitted to the Special Finance Committee and by another to the Diwan in 1106. The Association emphasised this obvious fact, however, not with a view to absolute retrenchment, but, with a view to the conversion of Sirkar schools into aided ones and the utilisation of the present expenditure to cover a larger area of educational effort. Further mention will be made of this Memorandum later on in this report. My present purpose is to point out that the Managers' Association, also, was struck by the rapid growth of educational expenditure and was afraid that Government might be driven to the necessity of cutting down the rates of grants if other economies were not found feasible.

(3) Again in the course of a petition to Government by the Teachers' Association the memorialists pointed out that, while educational expenditure was mounting up year by year, the salaries of teachers were still very low and stood in need of immediate revision. The Association rightly realised that it was impossible for Government to undertake fresh commitments unless simultaneously economies were also suggested; and in the course of its representations the Association observed among other things that there was a *superfluity of schools* and that, if a proper survey was carried out, it would be found possible to abolish or amalgamate quite a number of existing schools. This brought the question to a definite issue and Government, after discussing the matter with the Director of Public Instruction, ordered an Educational Survey of the State.

4. Other facts also lent force to the demand for a survey of this nature. The figures for 1105 showed that in 799 square miles of inhabited area there were 751 schools; yet in 1106 fifteen applications for opening new schools had been received by the Education Department. A casual glance at these statistics would leave on any unprejudiced mind the impression that there was a "superfluity" of schools and that the hourly increasing demand for fresh schools was not based on any real educational need. But, it will be noted that the statistics referred to above made no reference to population or to the number of children of school-going age, and any inference which might be drawn from them ran the risk of being upset.

5. The survey was ordered to be conducted by the officers of the department with the assistance of a temporary staff of two clerks. Operations were begun in May 1931 and the area to be surveyed was allotted as follows:—

1. Director of Public Instruction—
 1. Cranganur Taluk.
 2. Mukundapuram Taluk.
 3. Chittur Taluk and
 4. Part of Cochin-Kanayannur Taluk.
2. Inspector of Schools, Southern Division—
 - Part of Cochin-Kanayannur Taluk.
3. Inspector of Schools, Northern Division—
 - Talappalli Taluk.
4. Inspector of Schools—Trichur Taluk.

6. The following extracts from the instructions issued by the Director of Public Instruction to the Inspecting Officers will explain the objects steadily kept in view and the general mode of inquiry:—

"The aim of the Educational Survey is to ascertain the educational needs of the several taluks in the State and the provision that has been made to meet these requirements. The enormous increase in the number of schools in recent years and the yet incessant and insistent demand that is received from all directions for more schools have urged Government to look closely into the condition of affairs by means of an Educational Survey of the State.

Inspecting Officers while carrying out the survey will bear in mind the following suggestions and propose the classification of institutions for the future into

- A. Public Schools
 - (1) Government Schools
 - (2) Aided Schools
- B. Private Schools
- C. Superfluous Schools (*i. e.*, those which may be abolished without loss of efficiency).

In carrying out the survey and making proposals for the future, Inspecting Officers will take into consideration (1) the *priority* (in date) of schools, (2) the central situation of a school with reference to the area concerned, (3) the means of communication, (4) the level of female education in the locality, (5) the needs of the Depressed Classes, (6) the cost to Government, (7) the saving to Government which their proposals offer.

The report of the Inspecting Officers should contain their views on the special requirements of specially backward communities and backward areas with proposals as to how these deficiencies are to be met in these respects.

Special emphasis is laid on the problem of the means of communication because the Director of Public Instruction has come across instances where schools might have been saved if roads were constructed or bridges built. In such cases the cost should be borne by the Public Works Department and not by the Education Department. The problem seems to be particularly relevant with regard to the Cochin-Kanayannur Taluk.

Inspecting Officers will carry out the survey with as little dislocation as possible of their normal work. Expenditure on travelling allowance should be minimised. They should also give every opportunity to the public to represent its views and its grievances, but it would obviously defeat the object of the survey if they yield to mere clamour; the need for an authoritative survey apart from the petitions of the public and the applications of school managers being evidently to arrive at a correct estimate of the real educational needs of the people and to provide adequate satisfaction for them.

The survey operations should be attended to by the Inspectors themselves and should not be entrusted to their deputies on any account.

The completed survey forms of the schools which fall within the scope of the Inspecting Officers' survey operations will be sent on application being made to this office".

7. *Mode of procedure.*—With a view to see how far the actual visiting of every school for the purposes of the survey was necessary I concentrated on a compact area—Cranganur—to begin with. Every school in the Principality was visited and facts bearing on the inquiry in hand collected. *It was soon found that this method of actual enumeration, however interesting in itself, could lead to no definite result while it might unreasonably prolong the inquiry.* In the first place, the special returns furnished by the schools showed that, while certain schools and classes were wanting in strength, *by far the large majority of schools had sufficient strength to justify their continuance and even their enlargement in some cases.* It is true that actual visits revealed in many cases wide disparity between actual attendance and nominal strength. This, however, could not be held to lead to any definite conclusion because no school, however efficient and strong, can claim even in the best of conditions 100 per cent attendance. Attendance depends on many factors some of which are subject to variations. The difference, however great, between the strength on the rolls and actual attendance could give no *conclusive* proof as to necessity for a school in the absence of other evidence.

8. In the second place, *the Census figures showed that a large number of children of school-going age was still outside the pale of our schools*—a fact which argued the need for providing additional educational facilities, granting, of course, that given them every child of school-going age could be made to attend school. Actual visits, therefore, could not, except in special circumstances, yield results which were not to be obtained by means of official circulars and returns.

9. The mode of my enquiry had, therefore, to be modified. A list of villages with their population was drawn up and the number of schools in each village was scrutinised. This revealed that certain villages apparently possessed educational facilities out of all proportion to their size and population while others obviously teeming with population were destitute of all educational facilities or, possessed only facilities wholly incommensurate with their needs. Such cases were not very many and enquiry was thus facilitated. In some cases it was found that the disparity was only apparent and not real, as these villages

were contiguous with others which had an abundant supply of schools. Some villages were in need of additional facilities while a few others had a superfluity of schools. The number of both such cases was few and far between as far as I could judge—I mean with reference to the number of schools in every village in relation to the density of population and facilities of transport.

10. However that might be, the method of enquiry now adopted appeared to be the only feasible one, as will appear from the recommendations I make further down in this report regarding the advisability of creating a permanent apparatus for the periodical appraisal of the educational requirements of each Educational District. For, I am convinced that *it is not possible to lay down with any pretence at absolute accuracy the number of schools which the State wants.* I have in the course of this inquiry closed down a few schools* of very recent origin which were *manifestly unnecessary.* In the same way I have amalgamated a few schools and classes which struck me as clearly superfluous. In a few cases I have allowed the opening of new schools where the deficiency was patent. Requests for permission to start new schools are still pending with the department just as proposals for the abolition of a few schools are also pending decision. In both cases I have stayed action as I could not arrive at a definite decision; and these cases of doubtful utility or inutility I propose to hand over to the new local education authorities whose creation constitutes perhaps, the only striking feature of the recommendations embodied in this report.

11. Although every school was not visited with a view to collect data specially for the survey, nearly four hundred schools were visited by the officers concerned, and the experience thus gained together with the statistics collected from the several schools form the basis of my findings and my recommendations. Room for error there, of course, is; but it is hoped that the method of correcting such errors of fact and judgment will also be found among my proposals.

12. I have completely excluded collegiate education from the scope of this report, as in my opinion it did not raise any serious doubts or differences of opinion, unless it be that to some minds collegiate education in the present economic condition of the country is an unmixed evil. Secondary education has been dealt with at some length; but the central theme of this report as well as of the enquiry has been elementary education. Considering that it is elementary education which consumes more than 50 per cent of our total expenditure on education and that it is the only kind and grade of education to which the masses can aspire, I offer no apologies for the concentration of attention on this topic not, as will be evident, to the total exclusion of allied problems.

II. THE NUMBER AND DISTRIBUTION OF SCHOOLS.

13. Although etymologically the term "Survey" has no connection with arithmetic the one unvarying question which I have been asked both inside and outside the legislature has been "Have we too many schools?". In the last Budget Session of the Legislative Council I was asked this question in a variety of ways, with a view, no doubt, to elicit some definite answer to the central theme of the Educational Survey. Escape was, indeed, impossible had I not stoutly stood on my right to be silent. It was not because I was reluctant to give information which was bound to become public property in less than six weeks, but, because any answer given without considerable explanation was bound to be unsatisfactory because misleading.

14. All through the survey I was aware that my movements and my utterances were being watched and weighed. If a class was abolished I was asked if it was as a result of the survey. If recognition was refused for a new school I had to say whether it was based on my finding as a result of the Educational Survey. If aid was refused in the case of a class, the immediate query was if I thought that new schools were superfluous. The only course open to me at the time was to practise uniform silence. Among other things, the opportunity of placing this report before the public gives me the chance of breaking the ice.

* A list of schools opened and abolished during the last two years is given in Appendix I.

15. To the question whether we have too many schools I am unable to give an unqualified answer. As a reference to the table in Appendix II will show, in most of the taluks there is an abundance of schools considering the number of children actually under instruction. It is no doubt true that with the existing school buildings and equipments it is not possible to educate all the children for whom there are "school places", calculating at the rate of forty pupils per class. Few schools have class-rooms measuring even 18' X 20', and it is impossible or at any rate inadvisable to accommodate forty children in class rooms smaller than 18' X 20'. This means that as things are there is wastage, and with better and larger school houses it ought to be possible to provide 1,65,000 school places whereas there are only 1,41,756 children on the rolls. From this point of view, therefore, we may say that we have too many "school places", even if there are not too many schools. On the other hand we find that whereas we have 1,41,756 children under instruction and 1,65,000 school places, there are 1,78,516 children of school-going age. On the most modest computation we have, therefore, to provide about 14,000 more school places to bring these children into our schools, not reckoning, of course, the probable increase in their number by the time facilities are provided for these. I mean we shall have to do this if the State aims at universal elementary education whether under compulsion or by the employment of any other means. One thing, at any rate, is obvious from this point of view. We certainly do not have too many schools if our aim is to educate every child of school-going age, although at present the provision of school places is in excess of the actual number of children under instruction.

16. There is considerable confusion of thought on this question of the "number of schools". A casual visitor to any of the inefficiently conducted schools or to even a well conducted school in "backward tracts" will be struck by the paucity of strength. It is easy to argue from this that the particular school is one of those "Venture Schools" of which one reads so often in the papers. As I have already observed, the "strength" of a school is dependent on many factors of which the existence of a numerous population of school-going age is one. The absence of any one of these other factors may tell on the strength of a school and it is unsound to infer that, because the strength of a school at the time of a visit is poor, the school itself is superfluous. If there is no improvement visible even when frequently visited the chances are no doubt greater that the school is a superfluity in that particular area. But, without a knowledge of the many circumstances which determine the strength of a school such as the economic condition, mode of life and occupation of the people, the existence of other schools in the neighbourhood, facilities for communication, etc., it is difficult to say whether a particular school is a necessity or a superfluity. Nevertheless, to a mind not aware of this complexity the sight of a thinly populated school gives the irresistible impression of futility and waste. In fact the real question which is unconsciously raised and answered in such cases is not whether the school is unnecessary, but whether a better school should not take its place.

17. There is very little doubt that we have a very large number of inefficient and ill-conducted schools. The inspection reports and visit notes furnished by the officers of the department reveal a sad state of public instruction. The cause of this unhappy condition, particularly of public elementary education, I have analysed and discussed in different places in this report, and whenever possible remedies have been suggested. At present we are concerned with a question of fact, and of that fact there is very little doubt; and to argue from the inefficiency of a school to its futility is excusable want of logic. I will return to this question further down in this report; but, in the meantime I will turn to the condition of the several taluks in respect of the provision that exists for primary and secondary education.

COCHIN-KANAYANNUR.

18. No taluk in the State possesses such an abundance of educational facilities as Cochin-Kanayannur. Unlike the other taluks there is only one single village which has not got a school of its own. (Please see Appendix III).

19. No doubt the density of population is partly responsible for the large number of schools which this taluk possesses. There are 51,458 children of school-going age (26,176 boys and 25,282 girls). In point of mass literacy also Cochin-Kanayannur stands first—33·8 per cent of the population being literate. 59·7 per cent of the children of the school-going age in this taluk are attending or have attended primary schools. The existing provision in respect of educational facilities is very fair as will be evident from the following table.

Serial No.	Grade of School	Sirkar	Private	Total	Remarks
1	High Schools	6	11	17	
2	Lower Secondary Schools	2	18	20	
3	English Primary Schools	4	3	7	
4	Malayalam Primary Schools	27	151	178	
	Total	39	183	222	

There are altogether 17 High Schools, 20 lower secondary schools and 185 primary schools. The influence of the Church has been largely responsible for this rapid growth of modern education. The following analysis will show the active part the Church plays in the sphere of education in this area.

Serial No.	Nature of management	No. of Schools	Remarks
1	Sirkar	41	* This number includes four Sanskrit Schools and two Colleges.
2	Christians	123	
3	Caste Hindus	27	
4	Non-Caste Hindus	27	
5	Other communities	8	
	Total	228*	

Of late other religionists have also been active in the field of education; and particularly the Ezhuvus have been showing a great deal of enthusiasm in conducting schools—at times with an unnecessary degree of communal fervour. This, however, cannot be helped in the beginning, but, every effort seems to be necessary to keep out communal conflicts from the field of educational endeavour. The ratio of Government to private institutions in this taluk (1: 4: 8) illustrates in a striking manner the vigour of private agencies; for, while in other taluks private educational enterprise which plays an important part in the organisation of primary education is generally shy in running secondary schools, in Cochin-Kanayannur private effort takes the first place in the organisation of all grades of education. As I have already remarked it is not possible to say without an intimate knowledge of local conditions whether any particular school should be closed, or, any new ones opened; and it is only after making every possible inquiry that I recommend the abolition of a few schools and the amalgamation of a few others. I am of opinion that (1) St. George's Lower Secondary School, Pazhangad, (2) St. Lawrence Lower Secondary School, Edacochi and (3) Malayalam School, Udayathumvadukkal may be abolished. St. George's Lower Secondary School, Pazhangad only tends to starve the lower secondary department of St. Peter's High School, Kumbalangi. The manager has closed down the lower secondary department of St. Lawrence Lower Secondary School, Edacochi. The Malayalam Primary School, Udayathumvadukkal (Sirkar) may be closed and the primary department of the V. L. S. School, Panangad may be made vernacular. Of the two lower secondary schools at Pallippuram—

the S. S. Araya School and the B. V. R. Sabha School—one may be abolished without any harm being done to secondary education. If the Arayas and the Ezhuvas can be made to realise the futility of these purely communal educational institutions and the waste involved in the duplication of educational effort, a Government lower secondary school may be established and the lower secondary departments of the two existing schools abolished.

20. Making every allowance for the scarcity of suitable means of communication and the insular and inaccessible nature of some portions of this backwater region, I venture to submit that the following pairs of schools—some of them situated in the same compound and under the same management—may be amalgamated with advantage:—

1. L. M. C. Boys' School, Chathiath
L. M. C. M. G. School, Chathiath
2. Malayalam School, Kadamakkudy
M. G. School, Kadamakkudy
3. St. Joachim's Girls' School, Kalur
St. Xavier's Boys' School, Kalur
4. St. Thomas' G. S., Thykudam
St. Augustin's School, Thykudam
5. U. M. G. S., Karingochira
M. D. M. S., Karingochira
6. St. Francis' School, Amballur
Malayalam G. S., Amballur (Sirkar)
7. St. Sebastian's L. S. S., Kanjur
Convent L. S. School, Chengal
8. St. Sebastian's M. S., Kanjur
St. Mary's M. G. S., Kanjur
9. St. George's School, Gothuruthy
St. Mary's School, Gothuruthy
10. St. Joseph's School, Chathedom
H. I. J. Girls' School, Chathedom.

21. As the department of Public Works is doing all that it can to improve and add to the existing means of communication it is, perhaps, superfluous on my part to suggest any items of work under this head. But, it may help the Engineering Department if I mention our urgent needs particularly in the Cochin-Kanayannur Taluk which, being a backwater area, labours under special difficulties. For instance, the L. F. School, Thekkethuruth is only about two furlongs from St. George's School, Gothuruthy; these schools may be amalgamated if the broad deep channel of water which separates them is bridged. Our other immediate wants are (1) a bridge between Cheppanam and Panangad, (2) a Government ferry from Edacochi to Kumbalanghi, (3) a metalled road connecting the two ends of Kadamakkudy, (4) a metalled road from Southern Chittur to Cheranellur.

CRANGANUR.

22. The Principality of Cranganur consists of the main land of Cranganur and the island of Pallut which is separated from the mainland by a narrow strip of water but served by a regular ferry. The Principality suffers badly from want of proper means of communication; and, due mainly to this deficiency, schools have sprung up within very short distances of one another. Many of the elementary schools are inaccessible by road and the lanes and foot-paths which lead to them are almost impassable during the rainy months. With a total area of 18½ square miles, Cranganur possesses 13 primary schools, one lower secondary school and two High Schools. Most of the elementary schools possess good strength and satisfactory attendance, and it may not be possible to abolish any of them except one or two. Amalgamation will not lead to economy here as the schools which stand in proximity to one another and invite amalgamation have all good strength, and amalgamation will not, therefore, make any retrenchment possible. The L. F. School which stands on the boundary of the Principality may, however, be abolished. This school really caters to the inhabitants of the small bit of British Malabar which has another school of its own about two furlongs from the L. F. School. If a suitable site is selected and a

building provided for the Sirkar Malayalam school which is now without a permanent habitation and is being held in the mornings in the Girls' High School building, there will be no need for the L. F. School, the aid to which can be withdrawn and a saving of Rs. 1,677 made every year. The "Sisu Vidya Poshini" school which has no satisfactory accommodation and which is not far from other schools may also be abolished and the pupils transferred to the Lower Secondary School, Eriyad, the Malayalam School, Azhikode, and the Balanubhodini School, Methala.

23. Female education has made the same rapid progress in recent years in Cranganur as it has in Cochin; but, the question still remains whether there is a real need for a separate High School for girls here. The upper secondary forms of the Girls' High School are still weak as will be seen from the following table:—

Class	Strength
Form IV	17
Form V	12
Form VI	15

Apart from sentiment which on this question does not appear to be even deep-rooted, there seems to be no justification for a separate Girls' High School. The upper secondary department of the two High Schools may, therefore, be amalgamated and a lower secondary school retained at Methala or Lokamaleswaram.

MUKUNDAPURAM.

24. Next to Cochin-Kanayannur, Mukundapuram has the largest number of children of school-going age. There are 20,663 boys and 19,587 girls of school-going age making up a total of 40,250. Mukundapuram has also a plentiful supply of schools, particularly primary schools. The following figures afford evidence in this respect.

Serial No.	Grade of school	Sirkar	Private	Total	Remarks
1	High Schools	3	2	5	* I. S. S., Nadavaramba (Aided) has now been taken over by Government
2	Lower Secondary Schools	2	7*	9	
3	English Primary Schools	...	1	1	
4	Malayalam Primary Schools	34	78	112	
	Total	39	88	127	

The educational needs of the taluk are adequately met at present. Although some villages possess no schools (see Appendix III) these villages are generally speaking, in close proximity to others which have an abundant supply of educational institutions. Thus the village of Nellayi with a population of 3,257 has no school of its own, but, the Malayalam Girls' School, Nandikkara, in the Parappukkara village, is within easy reach. If this school is shifted a little towards Nellayi even the little inconvenience now felt by the villagers of Nellayi can be wholly removed. Being generally hilly, and with a population clustered together in centres which are in some cases not very near each other, with means of communication not fully developed, some schools are still inaccessible by road. The Nayar Samajam School, Pazhukara, is an instance. The strength of schools is generally lower, and private educational efforts less in

evidence than in Cochin-Kanayannur. The survey has disclosed that a few of the schools are not indispensable or can be reduced to lower primary ones. (1) aided school, Pullur, and (2) V. P. School, Kathikodam, may be abolished. (1) Aided School, Thazhakad, and (2) St. Mary's School, Krishnankotta, may be converted into Lower Primary Schools. The lower secondary department of the Convent Lower Secondary School, Irinjalakkuda, may be abolished as it simply helps to starve the Girls' High School, Irinjalakkuda, and thus entails a double loss to Government in that it necessitates the continuance of aid to the lower secondary department and reduces the fee income of the Girls' High School. The statistics supplied in answer to a question from the member for Antikad in the last Budget Session showed how high was the cost of maintaining the Girls' High School, Irinjalakkuda. The lower secondary department of this school is being starved by the Convent lower secondary school which was recognised and aided by the department only in the year 1099. The aid given to this school may, therefore, be withdrawn after due notice being given to the management.

TRICHUR TALUK.

25. The Trichur Taluk possesses an abundance of educational facilities and almost equals Cochin-Kanayannur in this respect as will be seen from the following table:—

Serial No.	Grade of School	Sirkat	Private	Total	Remarks
1	High Schools	5	5	10	
2	Lower Secondary Schools	1	14	15	
3	English Primary Schools	4	2	6	
4	Malayalam Primary Schools	27	66	93	
	Total	37	87	124	

26. The town of Trichur alone has six High Schools (four for boys and two for girls), three lower secondary schools for girls and five English and ten Malayalam primary schools. Out of the 72 villages which comprise the Trichur Taluk the following six villages alone with a population of over 1,000 inhabitants are without schools of their own:—(1) Veluthur, (2) Venginisseri, (3) Kaiparamba, (4) Choolisseri, (5) Chalakkal and (6) Killannur. The provision of educational facilities in respect of the villages of Vadakkummuri, Padiyam, Chiyyaram and Ollukara may at first sight appear to be inadequate. The deficiency in respect of Ollukara and Chiyyaram is made up by the Malayalam School and the Malayalam Girls' School, Mukkattukara, the grant-aided school at Nallenkara, and the St. Teresa's School at Kanimangalam. In regard to the other four villages there are not schools very close by; but, inquiries go to show that no need for fresh schools is felt. The number of boys and girls in the taluk who attend the primary schools comes to 12,802 and 10,026 respectively. These figures represent 72.1 per cent of the boys and 58.5 per cent of the girls of school age.

27. The following two primary schools may be closed.

(1) St. Mary's Day School, Ambakad *, (2) The Lower Primary School for Odas.

28. The St. Xavier's Lower Secondary School, Karanchira may also be abolished (provided the road to Kattur is improved).

29. The Malayalam Girls' School, Oorakam should be shifted to a more central site.

30. In my opinion there is hardly any justification for maintaining two high schools so near each other as Kandassankadavu and Peringottukara with a

* This School has been abolished.

Lower Secondary School at Manalur. It should be possible to abolish one of the High Schools if the other is shifted to a more central location. As this would, however, mean a considerable initial outlay the best course open is to hand over one at least of the High Schools to private management.

31. I have in another part of this report recommended the gradual handing over of Sirkar primary schools to local education authorities. In the town of Trichur there are four Boys' High Schools—the Sirkar High School being the oldest. In recent years the strength of the Sirkar High School has steadily gone down and the Primary Department is destitute of the minimum strength. The existence of the model section of the Government Training Institution has contributed to some extent to this result. Whatever might have been the causes, the result at any rate is obvious. For the last three years the Sirkar High School has been working at a net loss of Rs. 24,671-3-9. I recommend that the school be handed over to the Municipality. I am aware that there may be protests from a section of the local public, because the Sirkar High School, Trichur, is one of the oldest educational institutions in the State and a high degree of efficiency is associated in the public mind with Government ownership and control. My reply to such an objection is that by the proposed transfer of management the Trichur High School will continue to be one of the premier High Schools and will in addition acquire fresh celebrity in that it will be the first High School to be owned by Cochin's premier municipal administration.

TALAPPALLI TALUK.

32. Although wholly agricultural this taluk has two towns, Kunnamkulam and Vadakkancheri, and the ancient country town of Chelakkara. Talappalli, too, like Mukundapuram, has to be opened out by the growth of means of communication, quite a number of schools being still out of the reach of any of the regular means of transport.

33. The number of children of school-going age comes to 29,701 consisting of 14,983 boys and 14,718 girls of whom the number of pupils who have attended or are attending schools comes to 13,146. The percentages are much lower than the average for all the other taluks with the exception of Chittur and Cranganur.

34. The following table gives the classified statistics regarding the number of schools in the taluk.

Serial No.	Grade of School	Sirkar	Private	Total	Remarks
1	High Schools	5	1	6	
2	Lower Secondary Schools	3	5	8	
3	English Primary Schools	1	1	2	
4	Malayalam Primary Schools	13	83	96	
	Total	22	90	112	

Kunnamkulam has a plethora of schools but only a few can be said to be superfluous. Considering the percentage of the number of children under instruction it may seem surprising that I should recommend the abolition of any school at all in the taluk; but it is to be noted that some schools serve no useful purpose where they are, and they may, therefore, be closed down. It is very doubtful if short of compulsion—which if introduced is likely to be felt as a positive hardship—the percentage of children under instruction can be improved by starting new schools in other centres. I have discussed the question of compulsory education in the concluding chapter of this report. I do not think that any injury to the cause of education will result if the following schools are closed down:—

1. Aided Girls' School, Aynur
2. V. P. School, Kurumaia
3. Aided School, Paravur
4. Aided School, Perumthuruthy
5. St. Thomas' School, Pulayannur
6. Aided School, Venur
7. Aided School, Thonorkara
8. V. B. School, Padinjattumuri
9. D. V. School, Kondazhi
10. Church of God M. G. S., Kunnankulam
11. Night School, Cheruthuruthy
12. L. F. Convent L. S. School, Chelakkara
13. P. N. S. Padinjattumuri
14. Sambavars' Night School, Kunnathara
15. P. N. School, Kizhur

35. The two C. M. S. Schools in Kunnankulam may be amalgamated.

36. The Union Vernacular School, Kunnankulam and the Labour School, Perumpilavu* which are both unrecognised at present may be given recognition. A lower primary school may be opened at Karipali and a new lower secondary school with only a preparatory class and the lower secondary forms may be opened at Akkikavu and another at Erumapetty. My inquiries go to show that it may not be impossible to get private agency to start these new schools, if aid is promised.

37. There has been a persistent demand for a Girls' High School in Vadakkancheri and every session of the Legislative Council witnessed a repetition of the same demand from the present member for Mulakunnathukavu (who was the member for Vadakkancheri in the previous Council) for raising the standard of the Lower Secondary Girls' School. The opening of the lower secondary Girls' School is held to contain an implicit promise, which appears to have been subsequently made in an explicit manner by my predecessor in office, that a separate High School for girls would be opened. In my opinion, there is no scope for a separate Girls' High School and no need for one. It is true that the present Boys' High School building has not sufficient accommodation for a mixed High School and the problem of providing additional accommodation rather than the duplication of educational facilities should be taken up without delay. My investigations go to show that, as a rule, parents in Cochin do not evince any serious aversion to co-education; and where co-education is possible to adopt without wounding sentiment there is no justification for the unnecessary duplication of expenditure.

CHITTUR TALUK.

38. The Superintendent of Census Operations makes the following remarks in the course of his observations on the statistics relating to literacy:— "Chittur in particular lying almost wholly detached from the literate West Coast, has a population of a highly mixed character in which backward and illiterate communities predominate, and even the very small proportion of Christians in this taluk is illiterate". The Census Report attributes the low level of literacy of Chittur to (1) the agricultural calling of the large majority of the people, (2) "the high percentage of such Hindu communities as are either quite backward in literacy or almost wholly illiterate", and (3) to the paucity of educational facilities. It is no doubt true that Chittur is educationally the most backward taluk in the State, and it is, therefore, not surprising that the general level of literacy is relatively low. It is also true that the high percentage of backward communities in Chittur is partly responsible for the low level of literacy. It is, however, doubtful if the educationally backward condition of Chittur can be ascribed to the want of educational facilities. Relative to population and the number of children of school age, the percentage of children under instruction in recognised schools is small. Out of a total of 15,741 children of school age (8,002 boys and 7,739 girls) 4,003 are under instruction or have received

* They have both been given recognition now.

education of the primary grade. The percentage for the taluk is, therefore, only 25.3 while those for other taluks are as follows:—

(1)	Cochin-Kanayannur	59.7 per cent
(2)	Mukundapuram	49.9 ..
(3)	Trichur	58.2 ..
(4)	Talappalli	44.1 ..
(5)	Cranganur	42.3 ..

39. The growth of schools in the State has not been wholly in any definite relation to population or to the number of children of school age. Had it been so there might not have been any occasion for this survey. Like the supply of other services the provision of educational facilities has been largely determined in the past by the *articulate demand* for schools. In Chittur the demand has been feeble, as will be evident from the following:—

Serial No.	Nature of management	No. of Schools	Remarks
1	Sirkar ..	22	This total of 39 schools includes also the Veda Sastra Patasala, Thekkegramam and Sanskrit School, Nemmara
2	Christian ..	2	
3	Caste Hindus ..	11	
4	Non-Caste Hindus ..	2	
5	Other Communities ..	2	
	Total ..	39	

Private agency which is very much in evidence in all the other taluks of the State is very much in the back ground in Chittur. The really effective demand—a demand which does not always signify a real need—usually comes from intending school managers, and where the burden of enterprise has rested wholly on Government the progress has been in relation to need ascertained and reported on by the Education Department. This has been the case with Chittur. Another reason for the relatively small number of schools in this taluk is the existence of *pyal* schools run on traditional lines. It has to be remembered that the eastern side of Chittur Taluk is contiguous with the Coimbatore District and the people are mostly Tamilians. The strength even of the existing schools is very low. The Malayalam Schools at Pudur (Ramavarmapuram) and at Vannamadai are cases in point. Unless a special scheme to suit the requirements of the people of this locality is brought into operation there is practically no chance of superseding these *pyal* schools and establishing schools imparting instruction on modern lines and in conformity with the provisions of the Code. I would recommend that an English School may be started at Ramavarmapuram (Pudur) and another at Vadakketharapatta, and Tamil incorporated as a compulsory part of the curriculum—the study of Malayalam being made optional. A Malayalam School should be opened at Perumatty and the Malayalam School at Pattancheri raised to the Lower Secondary grade. The two aided schools at Kairady and Adipuranda may be abolished and a Government Malayalam School established midway between the two.

40. The extreme poverty of the labouring classes and the *seasonal nature* of many of their agricultural occupations also tend to impede the progress of education. But, there is reason to hope that with the carrying out of the reforms I propose further down and the starting of a few more schools, conditions will improve though not as rapidly as one may wish.

III. BUILDINGS AND EQUIPMENT.

41. A recent circular (numbered 1419) issued by the Board of Education in England advises the local education authorities to exercise greater economy in the matter of expenditure on school buildings and suggests ways of doing this without sacrificing the health of school children or the efficiency of their education. One could wish that there were need for such advice to the education authorities and to the managers of aided schools in Cochin. We have on the whole spent far too little on the building and equipment of our schools, both secondary and primary. With a few exceptions our primary school buildings are altogether unsatisfactory in point of both lay-out and structure. Government

schools are, no doubt, better built in cases where Government have themselves built school houses; but, in many cases Government had only taken over a school building from the public or from some private individual or have only rented a building on certain conditions; and the majority of these school houses are utterly unfit for educational purposes. I am not judging harshly as will be evident to any one who has had opportunities of visiting a few of our Primary Schools of which I shall speak first.

42. Of the 133 Sirkar primary schools forty-four are still held in rented buildings which are almost without exception poorly constructed, cheap, ill-ventilated jerry buildings which are as a rule seldom repaired. In many cases Government have had to withhold the payment of rent as the owners of these buildings failed to keep the buildings in even tolerable repair. The Malayalam school buildings at Kodakara and Nandikara which, though inexpressibly miserable, are, however, typical of this class of primary school buildings. Thirty primary schools are held in buildings handed over to the Sirkar either by the local public or by individual managers. This class of school houses—though not much better than rented ones—is kept in tolerable repair by Government. Both these classes of school buildings, however, are unsuitable for the purpose of housing schools, and it must be the policy of Government in future to gradually replace them by better school houses. Almost without exception school buildings are greatly cramped, ill-lighted and ill-ventilated, damp and musty. Very few among them possess separate rooms for the several standards. Generally a number of classes are held in a single long room which comprises the whole school house. In some cases the different classes are screened off from one another by bamboo mat thatties. Though better than nothing these screens fall far short of requirements as they only screen the sight and not the hearing of children. In point of structure these school buildings range between what in P.W.D. terminology are known as “semi-permanent sheds” on the one hand, and dark dingy cottage houses on the other; and the alternative, therefore, is generally between complete exposure to the rigours of the typical West Coast weather and the total denial of the advantages of light and fresh air. In recent years Government have no doubt been paying greater attention to the building of better school houses on a special “type design” which, however, has been found to be too expensive and which may, therefore, have to be abandoned—the cost per class room being well over Rs. 800.

43. Article 9 (1) of the Cochin Education Code empowers the Director of Public Instruction to demand a “Sanitary Certificate” from every intending school manager before recognition is given to a new school; but, it can be imagined with what measure of strictness or with what degree of propriety or grace a Government which had been unable to set its own school houses in order could have insisted upon such a demand. If Sirkar school buildings are bad, aided ones are worse—no doubt with a few exceptions. Of the 397 private elementary schools only ninety have school buildings valued even by the managers themselves at more than Rs. 3,000, and 108 are valued at less than Rs. 1,000. The problem of providing suitable school houses for our Primary Schools is one which deserves the urgent attention of the department; but it is unlikely that any authority, whether Government or private, will be able to cope efficiently with the difficulty until public opinion—official and non-official—moves in the direction of a considerable initial expenditure on elementary education and until Government have been freed from the heavy burden of expenditure on account of the Maharaja's College extensions.

44. The case of secondary schools is not so bad as that of elementary schools, although even here we are not only very far from the ideal, but even far short of actual practical requirements. Except the lower secondary schools at Mattancheri and Cheruthuruthi and the High School at Ollur which are housed in rented buildings, all Sirkar secondary schools have their own buildings; and one happy feature is that the disparity between Sirkar and private school buildings is not so great in respect of secondary schools. The St. Albert's High School, Ernakulam, the C. N. N. High School, Cherpu, and the C. M. S. High School, Trichur, possess school houses which must be admitted to be good.

Overcrowding is not so common an evil in secondary schools as in elementary ones, although it must be conceded that a few High Schools like the St. Peter's at Kumbalangi, the Sirkar High Schools at Vadakkancheri and Chittur, are admittedly cramped for space. The table in Appendix IV gives a fair idea of our High School buildings. The main defects of secondary school buildings are (1) want of laboratory accommodation, (2) want of reading rooms for students and common rooms for staff, (3) want of boarding house conveniences where there is imperative need for them as at Chittur. The paucity of boarding facilities at a moderate cost has been one of the causes of the persistent demand for more secondary schools. At Chittur the high school hostel comprises merely a kitchen and dining rooms, the school rooms being converted every evening into living rooms. Only a few schools require hostel accommodation and it ought to be possible to supply this deficiency in the course of a few years. The provision of a separate room for the staff and a reading room which the students may use also as a common room is an urgent necessity. The best plan is to take up a limited number of buildings every year and carry out the work completely instead of trying to do, as at present, a little for every school. It is, therefore, necessary to prepare a comprehensive and carefully conceived building programme and to budget every year a liberal sum of money for the provision of suitable houses for a definite number of primary and secondary schools so that Government can be certain that all their schools will be provided with suitable buildings within a definite and limited period.

45. The difficulties caused by the scarcity of accommodation are accentuated by the still greater scarcity of school furniture. This deficiency is most pronounced in our elementary schools. No primary school has a sufficiency of benches and only very few have any desks at all. The use of slates in place of exercise books may, to a certain extent, obviate this difficulty; but, as copy writing forms a very important part of the curriculum of primary education the almost universal absence of desks cannot be condoned. Children are obliged to kneel down during copy writing and make use of benches in place of desks. It is, therefore, necessary to supply a sufficient number of desks to all primary schools within a reasonable period of time.

46. It is strange that none of our primary schools possesses a school library for the use of either teachers or pupils. There has been a loud complaint in recent times—a cry which has found loud echoes even within the legislature—that children in primary schools are forced to buy too many books and articles of stationery. However heartily one may sympathise with the hardships of the poor parents, it is not desirable to sacrifice the interest of education altogether. Books play a very important part even in the field of elementary education, and it is difficult and beset with serious perils to attempt to reach the "irreducible minimum" in the supply of books. To compensate at any rate for the deficiency of individual supply it is highly necessary—even apart from other reasons—that every primary school should be equipped with a library on a modest scale.

47. Again it is very desirable that the habit of home reading should be early inculcated and actively encouraged, and for this a school library on a lending basis is an absolute necessity. I have looked into the question of "cost" very closely and I am satisfied that the expenditure involved in this proposal is negligible. Government are spending on an average about Rs. 100 every year on the repair and maintenance of primary school buildings and they cannot reasonably grudge the modest sum of Rs. 25 for the supply of library books every year. It is not merely the pupils but also the teachers of our rural schools who keenly feel the absence of any provision in this direction. Without the means of travel and any of the other opportunities for social contact and culture, seldom receiving the benefits of a 'refresher' course of studies in the whole course of their active career, our elementary school teachers gradually deteriorate into mere machines for the pumping of stray bits of miscellaneous information into their pupils in accordance with the curricula. It is, therefore, not inopportune that I should, even in times of financial stringency like the present, bring to the notice of Government the imperative and urgent necessity for supplying a deficiency so keenly and so universally felt by both the staff and the pupils of our elementary schools.

48. Most of what I have said about primary schools in the matter of equipment applies also to our secondary ones, with this difference that in regard to secondary schools it may be possible to do a great deal without fresh supply if the existing articles of furniture are properly repaired. A few schools, no doubt, require more benches and desks. The High School, Chittur, for instance, is sadly deficient both in the quantity and the quality of furniture. No great capital outlay is needed to improve this state of affairs and with an imperceptible increase in the annual estimates our secondary schools can be properly equipped with a sufficient and suitable supply of school furniture. The aided schools, generally speaking, need greater attention in this respect than Sirkar ones.

49. Libraries of some sort exist in all secondary schools; but, the budget provision under this head is usually insufficient even for the supply of class books and maps.

50. Our school laboratories, perhaps need less attention than libraries at present; but, I would draw the special attention of private schools to the need for more generous equipment. There are exceptions which, however, only tend to augment the contrast; for example, the C. N. N. High School, Cherpu possesses a very good library and an equally good laboratory while the Vivakodayam High School, Trichur, is sadly deficient in its laboratory equipment. With the recent changes in the curricula of the Secondary School Leaving Certificate Examination and in view of the increasing attention which has to be paid to the teaching of Elementary Science, the want of proper laboratory supplies is sure to hamper seriously the efficiency of instruction; and, if funds can be found, Government should revive the old grants under "Equipment" particularly in aid of the purchase of laboratory requisites.

51. I would close this section of the report with a brief reference to a long-standing grievance of both teachers and pupils. I refer to the serious deficiency in the matter of play-grounds. Sirkar Schools are not more fortunate in this respect than private schools. The only High Schools which may be said to possess play-grounds of their own or playing field facilities are (1) High School, Irinjakkuda, (2) High School, Chittur, (3) High School, Mulanthuruthi, (4) D. V. High School, Velur, (5) High School, Chalakkudi, (6) High School, Cranganur, (7) High School, Trippunithura and (8) Paliam High School, Chennamangalam. The Sirkar High School, Ernakulam, has so far had to share one playing field with the College and even other institutions; but, when the College is provided with its own play-grounds next year this difficulty will, of course, vanish. The four high schools at Trichur have to make the best use of a single play-ground—the "Palace ground"—which is strictly a palace preserve but placed at the disposal of the schools by Government. A few of the other High Schools like the Kunnamkulam High School have been making use of stray bits of "Poramboke" land or village common as playing fields, often in the teeth of intense opposition from the local public. The majority of High Schools have no play-ground facilities whatsoever and consequently in them athletic activities and team games have been practically unknown. Increasing attention is being devoted to the physical well-being of school children all the world over, and the importance of games in building up 'character' has been conceded centuries ago. It is deplorable that a progressive State like Cochin should have so long ignored the importance of making satisfactory provision in this respect. I recommend that Government should in the case of Sirkar Schools acquire play-ground sites within a reasonable time, and in the case of aided schools place any adjoining "Poramboke" lands at their disposal. In regard to the future recognition of secondary schools it should be made one of the conditions of such recognition that suitable play-ground space should be provided. The Physical Training Director attached to the Government Training Institution should be asked to visit all secondary schools periodically and render them any assistance or advice which they may stand in need of.

52. With regard to primary schools the problem of providing play-grounds does not, in my opinion, arise at all. The little children who in many cases have to walk more than four miles a day need more rest than exercise at present. With the increased attention that is being now paid to the maintenance of school gardens it ought to be possible to afford sufficient facilities for

recreation for the children attending elementary schools. The provision of regular playing fields is not likely to lead to any appreciable results as even then it will be impossible to place within the reach of these children all the facilities required for 'team games'. Expenditure on this score cannot, therefore, be justified even from a purely educational point of view.

IV. STAFF.

53. I have dwelt at some length on the nature and quality of the physical environment of the children attending our schools and emphasised the necessity for an all-round improvement in our school buildings, in their furniture and other equipments, on the provision of school libraries and play-ground space. Urgent as is the need for reform on all these heads, it shades into the background when we come to a consideration of the qualifications and status of our teachers. The influence of the teacher is the most potent factor in the education of a child; and to neglect this element is to neglect the most powerful factor in the educational system.

54. At the time of collecting statistics there were 3,798 teachers* employed in Sirkar and aided schools. Of these 420 are graduates, 1,502 under-graduates and 1,876 "unpassed" men—to borrow a very uncouth official epithet. Of these, 2,175 are certificated teachers, the rest hold only departmental licenses or permits, but had not undergone training. Out of the total of 3,798 teachers 2,448 were employed in Sirkar schools and 1,350 in aided schools. As will be evident from a perusal of the following table the large proportion of certificated teachers is found in Sirkar schools the majority of teachers in aided schools being untrained men.

No.	Qualifications	Trained hands			Untrained hands		
		Sirkar	Aided	Total	Sirkar	Aided	Total
1	Graduates	148	42	190	116	114	230
2	Under-graduates	65	31	96	19	40	59
3	School Finals	414	283	697	47	603	650
4	Unpassed hands	504	688	1192	37	647	684
	Total	1,131	1,044	2,175	219	1,404	1,623

It must, however, be confessed that this deficiency of trained teachers in aided schools is not due to the unwillingness of managers to get their men trained, but, due mainly to the want of accommodation and the lack of other facilities in the Government Training Institution and the preference which has all along been shown by the department towards Sirkar schools. This needs special notice and the department ought to see that in future aided schools are treated on an equal footing with Government schools in the matter of deputing teachers for training. It ought to be the policy of the department to see that at least one certificated teacher besides the Headmaster is maintained on the staff of every aided primary school. At the same time the department should see that it does not approve of the appointment of "unpassed" men on the staff of aided schools which—judged from the statistics available—show a preference for them, probably because they do not ordinarily grumble about wages. Out of a total of 1,876 "unpassed" teachers 1,335 are found in aided schools. This is very unsatisfactory. The large majority of "unpassed" men in Sirkar service were recruited at a time when graduate and under-graduate teachers were not available to fill all the posts. Recently I have issued a general circular to all the schools that "unpassed" men should not be appointed on any account exceptions being made only in the case of candidates from communities which are educationally very backward.

55. Taking the whole body of teachers employed in our schools, Sirkar and aided, 2,075 are certificated and 1,623 uncertificated. Exemption from

*Please see Appendix V.

training is now allowed by the department to teachers who have more than 15 years' continuous teaching experience or have completed 43 years of age. This, I must submit, is a concession which should be discontinued; but, that would mean that the department will have to make provision for the training of 1,623 teachers of whom 1,393, being under-graduates, will have to be trained in the Government Training Institution at Trichur. This will take about a dozen years at the very least; and, if uncertificated men are to be recruited to the service in the meantime, the problem will be nearly insoluble. I would, therefore, urge that in future the department should insist upon a teacher's certificate before employing any one as a teacher. There is nothing revolutionary in this suggestion. No person is allowed to practise as a lawyer unless he has been trained to that calling and called to the bar. Medical practitioners have to undergo a long period of special studies before they can set up as doctors. Why should teachers alone be allowed to trifle with their profession? I can find no excuse for encouraging amateurs in this line where the happiness and prosperity of thousands of our children are concerned. The employment of certificated teachers will also reduce the present educational expenditure. It would in addition assure from the very start that a child is entrusted to a man or woman who knows his or her job; and it must appreciably raise the standard of instruction in our schools.

56. The average number of children under instruction at the time of collecting statistics was 1,41,756, making the ratio of teachers to scholars rather more than 40 to 1. This figure is deceptive in that the strength of the secondary forms is usually far below forty and many secondary schools are allowed one or two "supernumerary" teachers. The ratio as regards the teachers and pupils of our primary schools will, therefore, be well over 45 to 1. At present many classes have a strength of 50 pupils and quite a number of them are working on the "half-time" system*—a device to which the department has been driven in its desperate efforts at educational expansion. The "half-time" system works more often in theory than in practice as teachers find it difficult to work in two shifts and pupils to come to school in the middle of the day. It will cost Government about Rs. 37,840 to abolish this system and appoint teachers in all the classes; but, I submit that this is a fit case where 'cost' ought to be ignored in the interests of efficiency.

57. Closely allied to this vicious 'half-time' system and proceeding from the same cause of paucity of funds is the practice of 'grouping' schools for the teaching of technical subjects like needle-work, music and drawing.** In this case, however, it is the teacher who suffers more than the taught. I would suggest that in future primary schools alone should be 'grouped' and in no case should more than two schools or schools situated at a distance of more than three miles be 'grouped'. Under the grouping system, as will be obvious to any one, teachers are overworked while pupils are under-taught. In all cases of 'grouping' the specialists who are thus obliged to work in more than one school should be given a special allowance for their additional work.

58. This brings me to the general question of wages. From the time of Socrates downwards poverty has been the badge of the teachers' profession; but in Cochin—and I should say also in Travancore—we have sunk well below the "subsistence" level. This is not the occasion for a detailed consideration of the question of pay. If Government feel that they are in a position to grapple with the question earnestly I shall submit separately a detailed scheme for the revision of the pay of teachers employed under them. For the present I would content myself with a few general observations.

(a) In the first place, the pay of teachers employed in the primary and lower secondary departments should be immediately raised. It will be news to the outsider not conversant with the working of the department to be told that there are many primary school teachers who are drawing a salary of Rs. 17 after a dozen years of service. The substitution of a time scale for the present system of water-tight 'grades' under which one has to wait for the dead

* There are 213 divisions of classes working on this system.

** At present there are 736 specialists who are working in this system and they serve 500 schools.

man's shoes will go a great way in allaying the hardships and discontent of teachers.

(b) Another reform that is needed is the creation of a certain number of "selection grade" posts for the benefit of those teachers who have no chance of rising to Headmasterships or of being taken into the executive branch of the educational service and for Headmasters who have no hope of rising to anything higher.

(c) The incremental period of High School Headmasters should be reduced to five years as otherwise few Headmasters stand a chance of reaching the maximum of this grade. Again a charge allowance should be given to the heads of lower secondary schools. At present the heads of primary schools alone are given an allowance and it is often difficult to find any one willing to take up the Headmastership of a lower secondary school.

(d) The scale of pay of "specialists" seems to bear at present no relation to the quality of work they are called upon to do. For instance, it is obviously ridiculous to give the same salary to a music mistress and a sewing mistress; the one teaches a fine art and the other a common handicraft.

59. Having been a teacher myself and having had ample opportunities of coming into close contact with the life of the average rural teacher elsewhere and in Cochin, I feel I shall be failing in my duty if I do not bring to the notice of Government the many hardships which the teachers as a body and particularly the primary school teachers have to undergo in the course of their working lives. Few of them are above want or free from debts and all the cares that go with chronic indebtedness. That these teachers manage to go about their work without frequent breakdowns is a marvel of human endurance. "Separated by class distinctions from those who might give mental companionship, by financial inequality from those who might be termed his 'social equals', and by intellectual capacity from the manual workers, the rural teacher in an extreme case—may be as lonely as any missionary in the heart of Africa." If this is the lot of teachers in England with their liberal scale of pay under the Burnham award, Government can realise how the majority of our teachers must be feeling about their lot and what can be the quality of the work they can be expected to turn out.

V.—CURRICULA OF STUDIES.

60. This is a matter in which the discretion of the department is largely controlled by the needs of matriculation. The course of studies prescribed for the S. S. L. C. Examination has to be approved of by the University; and although as a distinct and autonomous Government, the Cochin Darbar has some measure of freedom in shaping the details of upper secondary curricula, its choice is restricted by the rules governing the matriculation of pupils into the University. Some changes were introduced recently in consultation with the University authorities; but, these changes have tended rather to kill variety and all chances of differentiation of studies. Further reform is, therefore, needed and it will be undertaken after the present batch of students have completed the secondary school course.

61. In respect of the curricula of elementary education we are not in principle restricted by our relations to external academic bodies or by the requirements of secondary schools; but in actual fact our elementary schools have been treated largely as 'feeder' schools to secondary ones with the result that the main aims of elementary education have been ignored or neglected. A committee specially appointed for the purpose is studying this question of vernacular education and a Superintendent of Vernacular Education is also making an independent and intensive study of the whole problem. It will, therefore, be inopportune if I venture any remarks on the reform of primary education; and the expression of my views on this question I must reserve for a later occasion. I would here make only one general remark about a principle which will have to be accepted by any scheme or system of elementary education.

62. I fear we have been largely victimised by our own vocabulary in defining the aim and scope of elementary education. 'Primary' education has been treated in the main as a *preparation* for 'secondary' education. The designation

of the two main grades of school education by relative terms like 'primary' and 'secondary' has tended to obscure the aims and methods of both. It is true that individual children in plenty leave elementary schools and proceed to secondary ones; but, this fact should not be interpreted to mean that the purpose of elementary schools is to prepare pupils for secondary education. If that were the aim of elementary education there is no need and no justification for either compelling it or making it 'free'. It must, therefore, be clearly borne in mind in framing the courses of elementary school studies that the elementary school is intended to give an education *complete in itself* and as a preparation only for the duties of citizenship. I would also urge, on this very principle, that greater attention than at present should be paid to the teaching of music, drawing and needle-work in elementary schools. The provision at present is very poor as there are many schools which even under the 'grouping' system fail to receive any instruction in these subjects.

63. Before concluding this section I would just raise one question which deserves the special consideration of the Committee, namely increasing the duration of elementary education from four to at least five years. Although, in my opinion, the period of four years if properly utilised is too long to cover the present syllabus, it is too short for the completion of a satisfactory and sufficiently comprehensive scheme of elementary education.

VI.—SYSTEM OF GRANTS-IN-AID.

64. "We are afraid," says the Managers' Association in a memorial to the Diwan, "that, in recent years, the tendency is growing in the department to go back on the progressivism of the past. Many of the valuable aids..... have been, we are sorry to say, withdrawn one after another through the back-door of departmental action in the last few years,—without any open avowal of considered change of the policy embodied in the Code."

65. The passage cited above raises issues which deserve very serious consideration. The main points to be considered are (1) how far the "reactionary tendency" complained of by the managers is the result of any deliberate "departmental action" taking the "back-door" of escape; (2) whether, on the other hand, it is not more just and accurate to treat this 'reaction' as the natural and inevitable result of a policy which was destined, from the very outset, towards this consummation; (3) how far it is possible now to continue the policy of liberal aid which has among other things landed Government in a position which is financially very unsatisfactory.

66. The existing system of grants-in-aid of education was introduced into the State in the year 1086 M. E. with a view to supplement the activities of the State by private effort. At the time of its introduction the number of schools stood at 318. The attractive terms thus offered to philanthropic men led to a rapid extension of education and the number of schools steadily increased. The time soon came for a modification of the system and the rates of grants; for every year saw the opening of a large number of fresh schools and the charge on account of education became a heavily increasing burden. The policy laid down by Sir Albion Banerji was not reckless expenditure on extending schools but liberal provision for affording suitable facilities and assistance to *schools which were really essential*. This was, however, lost sight of and the old grant-in-aid rules were administered without alteration and with very little insistence on the safeguards provided by the Code against fraud. Very soon it was discovered that the several kinds of grant provided in the Code for the efficient equipment and working of schools had to be discontinued in order to enable the numerous little schools which were rapidly springing up to live a hand-to-mouth existence. Building grants, equipment grants, library grants, laboratory grants, have all been in abeyance for a considerable time and the department now finds it difficult to disburse even the monthly doles of half salary and ordinary grants. My complaint *is not* that these grants (half salary and ordinary) are inadequate for the purposes for which they are *ear-marked* by the department, but, that this dole which is far too attractive is paid at the sacrifice of the efficiency of secondary education which requires laboratories, libraries, and other equipments. Thus the grants which are excessive in one sense tend to starve other modes of benefaction which efficiency requires. The result as regards the quality of education has been deplorable. To the casual observer the whole system is a splendid success; because about 20 per cent of the revenues of the State are spent on education and in less than 800 square miles of inhabited area there are nearly as many schools. But on closer observation the delusion disappears. Of this colossal

number, not many schools possess a well-built, well-ventilated building, and fewer still can boast of necessary equipment. The teachers are low paid and are not always paid regularly or in full. Medical inspection reveals the cost of such inefficient educational expansion in the shape of defective vision—due to prolonged work in ill-lighted rooms, throat troubles and lung complaints—the legacy of the distressing lack of fresh air in schools,—curvature of the spine brought about by squatting on the floor or by writing without desks. Play-grounds are conspicuous by their absence and it is with bitterness that one gazes at the tiny bits of land on which schools are situated and fenced in when acres of waste land surround their sites. The time has definitely come for Government to decide whether they would continue to spread a low level of literacy which is all that such schools can achieve at this tremendous sacrifice of money and human well-being, or, whether they would be content to see a smaller number of schools,—well-built and properly equipped, and staffed by decently paid and better qualified teachers. To my mind the answer is obvious.

67. The Managers' Association quotes with evident approval and enthusiasm Mr. Rajagopalachari's observation that there can be "*a better out-turn over* if departmental operations are reduced and the funds thus set free are utilised for subsidising aided schools". Mr. (now Sir) Albion Banerji is referred to as approving of the same policy of liberally aiding private agency "having regard to the disproportionately high rate at which Government are paying for the education of each pupil in the Sirkar Primary Schools".

68. What I wish to submit, is, that the main justification for handing over "Primary Education" to non-governmental agency is the "disproportionately high" cost of governmental agency, and not any intrinsic or esoteric virtue possessed by public elementary education when imparted by private individuals. The State at times has more pressing needs to attend to than education as in the critical period of Mr. Rajagopalachari's administration, and the "only correct policy at this juncture" (as Mr. Banerji puts it) is to invoke private effort by attractive terms. In the course of a lengthy Proceedings R. O. C. No. 1447 of 88, dated 23rd February 1914, Mr. Banerji himself makes his position clear and admits that the public at any rate preferred Sirkar schools to aided ones. He says "the tendency, of late, has no doubt been to ask for Sirkar schools everywhere and a strong desire for Sirkar management. So long as there is a demand for Sirkar schools, it has to be met as far as possible; but the department should endeavour to encourage private management and secure the co-operation of private agencies to the utmost extent by liberal and sympathetic policy; *otherwise it will be difficult to find the ways and means to finance educational institutions under Sirkar management on a very extensive scale*". My submission, therefore, is that Government have all along looked upon private agency not as the ideal thing from an educational point of view, but, merely as the only feasible arrangement. The approximate average cost to Government for the maintenance of a Sirkar primary school is Rs. 2,008, while the approximate average expenditure per aided primary school in respect of grants is Rs. 750. And, when the expenditure on grants-in-aid also began to mount up rapidly year by year*, particularly in respect of primary schools, the only course open to Government was to restrict "special grants" which are mainly intended for secondary schools and continue the grants-in-aid of the recurring items of expenditure. This is not the "back-door" but the straight path which any honest administration could have taken. And now it is found difficult to continue even the teaching and ordinary grants at the old rates. To borrow a term from the sphere of economics the greater "output" or "turnover" being still the main principle, we have to devise means for spreading our

* The following table exhibiting the progress of expenditure on grant-in-aid during the last ten years will be instructive :—

Year	Grant-in-aid expenditure (Primary)
1097	2,04,428
1098	2,25,252
1099	2,55,085
1100	2,87,895
1101	2,94,237
1102	3,26,500
1103	3,47,678
1104	3,63,627
1105	3,93,665
1106	4,10,755

funds to cover a larger extent of educational effort and so reduce the rates of our grants-in-aid. This, I presume, was the policy adumbrated by the late Sir P. Rajagoplachari when he was the Diwan of Cochin. How this is to be done in the altered circumstances of the present day is what we have now to consider. We must and will continue to be liberal in comparison with our neighbours—Madras and Travancore—but not extravagant in relation to our own resources and taxable capacity.

69. The most obvious feature of the grant-in-aid system as it exists in the State is that it makes no discrimination between primary and secondary schools in respect of the principle on which aid is given. Both types of schools are allowed salary grants and 'ordinary' grants which are really supplementary to salary grants. In Madras and in Travancore primary schools are treated in quite a different way from that in which secondary schools are treated in the matter of aid. In both of them the rates of grant to primary schools have no relation to the salaries paid to teachers or to the total cost of maintenance of school; whereas in Cochin salary grants are paid to primary schools and are based on the standard rate of pay given to Sirkar school teachers. The net result of this "elastic" system of grant is that we pay in the shape of aid twice as much as the Travancore Government and about three times as much as the Madras Government as will be evident from the following table:—

S. No.	Grade	Cochin	Travancore	Madras*	Remarks
1	Trained teacher	P1, Rs. 22—9—0 per mensem P2, Rs. 19—0—0 do P3, Rs. 16—2—5 do	Rs. 10—8—0 per mensem	Rs. 42—0—0 per year of the lower elementary grade and Rs. 48—0—0 per year of the higher elementary grade	
2	Untrained teacher	P1, Rs. 19—9—6 do P2, Rs. 16—8—0 do P3, Rs. 14—0—5 do	Rs. 8—8—0 do	Rs. 36—0—0 per year	

It will be obvious that the Cochin Government is paying very nearly the whole cost of *running* a primary school. While in Travancore and in Madras, State aid is considered to be merely *supplementary* to private enterprise, and the major portion of the cost of maintenance is considered to be met by the managers themselves, in Cochin the position is almost reversed. State aid constitutes the main source of income of our grant-in-aid primary schools.

70. A very salutary feature of the Madras grant-in-aid primary schools is practically absent in Cochin. In Madras most of the aided elementary schools have Headmasters as their managers whereas in Cochin the majority of schools are managed by private individuals who have very little identity of interests with the staff and whose connection with education is confined to the ownership of a school.

71. As the very liberal rates of grant paid by the Cochin Government led to the rapid increase in the number of grant-aided primary schools, the department was unconsciously drawn into the vortex of a series of never-ending differences and disputes with the managers. This was inevitable from the very outset. Having been committed to pay practically the whole maintenance cost of these aided elementary schools, Government have naturally taken upon themselves the duty of vigilantly watching the ways in which the grants were being utilised, and have at times been forced to enter into protracted controversies with school managers. Although the application of the Cochin Service Regulations has not been formally extended to service in aided schools, the Education Department has been applying to it in practice most of the rules and regulations which govern public service. *The net result has been extravagant expenditure coupled with vexatious regulation.* The Managers' Association has been protesting against

* Note.—There is also an allowance of annas 8 per year for each pupil in average daily attendance. This may increase up to Re. 1 per year in the case of backward pupils and girls.

one half of this arrangement, *vis.*, detailed interference with the internal affairs of aided schools, while Government have been forced to continue to intervene on the ground that the whole system of grant together with its pre-suppositions and consequences must be either accepted or rejected *en toto*.

72. The position is somewhat different as regards secondary schools and English primary schools which levy fees, although even here Government bear practically the whole net cost of running these schools. Travancore pays half the net deficit while we pay nearly the whole of it; but, as the managers of secondary schools have larger resources at their command, occasions for departmental intervention have been far less frequent. Even in regard to secondary schools I would recommend the simplification of the system of grants-in-aid so that the need for departmental oversight and intervention may be reduced to the minimum.

73. After giving the matter continued and thoughtful consideration I am driven to the conclusion that there is no justification, either educational or financial, for continuing the high rates of aid we have been allowing so far. It appears to me that the only tenable position is to treat grants-in-aid as merely *supplementing* private philanthropy and local educational effort. I would submit that far from being illiberal this is the correct policy. While it is perfectly true that primary education is a national concern it is equally true that the proper sphere of Government is to encourage *local* effort and evoke *local* enthusiasm and not merely private individual enterprise. Experience has proved that extravagant rates of grant only tend to ruin elementary education by encouraging what are known as "Venture School". I would, therefore, recommend that the following rates of grants-in-aid be substituted for the existing ones:—

74. *Rates of grant to Primary Schools.*—Government will pay Rs. 10 in respect of teachers who have less than 15 years of continuous service and Rs. 15 on behalf of teachers who have more than 15 years of service provided they are trained and Rs. 12—8—0 if they are untrained. A supervision allowance of Rs. 3 will continue to be paid to Headmasters of fully developed primary schools. Sewing and music mistresses will be allowed a grant of Rs. 10—12 and an additional allowance of Rs. 5 if they are obliged to work in more than one school. (In regard to Koran teaching please see section relating to Muslim Education). Grants will continue to be paid every month and the acquittance of the previous month will have to be presented with the grant bills of every month. The Education Codes of some Governments allow special rates for backward tracts; I would recommend that in regard to the education of people in backward areas Government should run their own schools instead of allowing special rates of aid to private agencies.

75. *Secondary Schools.*—In regard to the aiding of secondary schools, I recommend that Government should undertake to meet half the net deficit in respect of boys' schools and three-fourths of the net deficit in respect of girls' schools and 'mixed' schools; the rates of salary admitted being not in excess of those allowed in Sirkar schools. It shall be made a condition antecedent to the grant of aid that *no school shall be entitled to aid unless it has an income from endowments, subscriptions, etc., of a permanent nature equal to one-fourth of the anticipated expenditure of the school** provided that this rule shall apply to schools already in existence only after the expiry of three years from the date of the proposed revision of the Code. If this is done, it will be possible to restore the special grants which used to be given in the early days of the grant-in-aid system. Provision should be made in future for auditing the accounts of all secondary schools and the managers shall be liable to refund to Government any sums which they may have drawn without proper authority or justification. The department should content itself in future with seeing that the general provisions of the Education Code are faithfully adhered to, with the granting of recognition and aid and with the approval of staff lists. Government should not on any ground be drawn into the disputes between the managers and teachers of grant-aided institutions. Nor should they interfere with the purely internal affairs of any private school in receipt of aid. The question whether the department should interfere in the matter of appointment and promotion of teachers in aided schools may be raised and answered in this connection. It is a hotly debated question and any suggestion that I may here offer is only likely to raise

* This is intended to apply also to primary schools.

further protests. But the principle involved seems to be fairly clear and simple. Government do not ordinarily interfere with the conditions of private service except in so far as the law of contract has to be enforced. Where there is no question of contract the State preserves strict neutrality. Why, then, should this policy of non-intervention be departed from in the case of *teachers* in private service?

76. Various grounds for intervention can be advanced and on some of these a certain measure of State interference may be found indispensable. It may, for instance, be argued that this is not an ordinary instance of *purely private* service, but it is service substantially financed from *public funds*. Government have the responsibility to see that the "grants" are expended as allotted, spent on purposes approved of by Government, and spent in full or, refunded to Government. Government may and must insist for this reason on proper acquittance being produced in respect of every item of aid.

77. Again, education is a *public service* of the utmost national importance whatever be the actual agency employed in imparting it; and, it is the duty of every civilised Government to see that even private agencies keep up a minimum standard of efficiency. This, it may be argued, is impossible without the enforcement of certain conditions relating not merely to the qualifications of teachers but also to their wages. Periodical inspection and public examinations are but some of the means of maintaining this minimum efficiency; a contended staff is equally necessary to this end. While I accept the general principle involved in such a position I am of opinion that the question of "wages" and other conditions of service had better be tackled by some other agency than Government. The paternal protection which Government have till now been according to teachers in private service has only tended to lower the morale and ruin the self reliance of these teachers themselves. In future the teachers may organise themselves into a suitable federation with facilities for corporate action in regard to all matters which are their common concern and which affect their material well-being. Government may after due consideration give such an association such assistance as they consider necessary in the interest of education. (For fuller details please see the amendments proposed to this section of the Cochin Education Code). Regulation beyond this or in excess of the actual requirements of efficiency can only be vexatious to both Government and school managers.

VII. THE OWNERSHIP AND MANAGEMENT OF SCHOOLS.

78. "The tendency, of late, has no doubt been to ask for Sirkar schools everywhere and a strong desire for Sirkar management." So wrote Mr. Banerji in the course of a lengthy Proceedings in February 1914. The demand from the public has only increased in volume and intensity during the eighteen years that have elapsed. The desire, for Sirkar management, particularly of elementary schools, has become almost universal with the exception, of course, of a certain section of school managers. A memorandum of the Managers' Association to the Special Finance Committee and a memorial submitted in 1906 to the Diwan by the same body plead for the handing over of all Sirkar schools to private management. A very influential section of the Cochin Legislative Council, on the other hand, has been repeatedly demanding that Government should take over the management of all primary schools from the hands of private agency. Some school managers also have approached the department with requests that Government might take over their schools, and it

* The following is a list of some of the schools that have made such requests:—

High Schools.

- (1) Mangayil High School, Maradu. (2) St. Peter's High School, Kumbalanghi.
(3) R. V. Union High School, Cherai. (4) C. N. N. High School, Cherppu.

Secondary Schools.

- (1) Co-operative L. S. School, Kadungamangalam, (2) V. L. S. School, Panangad.
(3) A. V. L. S. School, Nadavaramba.

Primary Schools.

- (1) M. S., Parappacode. (2) S. V. M. S., Keechery. (3) V. P. Y. School, Illical.
(4) S. P. S. Pulaya School, Kumbalam. (5) S. K. V. Y. School, Mulavukad. (6) D. V. School, Vadama. (7) V. V. School, Edakolam. (8) N. P. School, Madakkathra. (9) Aided School, Pullu. (10) K. V. School, Parikkad. (11) S. V. S. School, Enkakad. (12) A. C. School, Machad. (13) S. T. M. School, Puthiyedam. (14) K. M. P. School, Vanmeethy.

Sanskrit Schools.

1. K. V. Sanskrit School, Vellarapilli.

is significant that in many such cases the managers have expressed their willingness to surrender the school buildings and equipments free of all cost. The teachers themselves are, as a body, strongly in favour of the transfer of management of all schools to Government.

79. The ownership and management of schools, particularly of primary schools is, therefore, a question which is agitating the public mind at the present moment; and whatever be the view which Government hold, a final decision and a formal declaration of policy seem to be urgently called for. Mere statistics may perhaps be considered irrelevant in the settlement of a question like this; but, it is worthy of note that with the exception of an influential section of school managers public opinion is overwhelmingly in favour of the assumption of management by Government of all elementary schools. In other words the request for replacing governmental agency by private ones comes only from the managers and has its own moral. As far as Government are concerned, the position is perfectly clear. In the words of Mr. Banerji himself whom, by the way, the Managers' Association extols as the patron of the present grant-in-aid system in Cochin, "*so long as there is a demand for Sirkar schools, it has to be met as far as possible*", the main hindrance to the complete extension of Government ownership and management being solely "the disproportionately high rate at which the Government are paying for the education of each pupil in Sirkar primary schools". A careful perusal of the Minutes and Proceedings of Mr. Banerji on the subject will convince any unprejudiced and impartial mind that the only consideration which weighed with him in finally deciding in favour of the restriction of State management and the extension of aided educational agency was one of comparative cost. It is worth mentioning in this connection that he was himself not in favour of free elementary education because he rightly apprehended that Government would be committed to an enormous expenditure even if private agencies were to be financed in a liberal manner. There is no shadow of doubt, at any rate, that the whole question revolved then as it does now on considerations of cost. The Managers' Association, however, tries to reinforce the argument based upon cheapness by another. It says that private grant-aided schools enjoy the additional advantages which accrue from personal supervision.

80. A comparison of the cost of Sirkar and aided schools leaves no room for doubt that private institutions cost the tax-payer considerably less than Government ones. It must, however, be borne in mind that this "cheapness" is bought without no sacrifice; in fact it is secured, at the loss of many of the conditions which make for efficiency. In my opinion even Government do not spend enough at present to secure the maximum efficiency of instruction. This is particularly true in the case of elementary schools. Governmental agency is, therefore, in no way wasteful. As I have already remarked, to the tax-payer in the abstract aided educational agency is cheaper; but, from the stand-point of the parent and of the child it often ends in a serious loss.

81. As for the influence of personal interest and the benefits derived from personal supervision by the managers, I have it on the authority of the teachers in private schools supported by my own experience and that of my Inspecting Officers that, at least in some instances, managers have very little living contact with their schools. It is no doubt true in theory that a school which is owned by an individual should be more efficiently managed than one under State control and staffed by 'civil servants'. But, as a matter of fact, in quite a number of cases the managers evince very little interest in the prosperity and progress of these institutions. Indeed, in a few cases they had almost forgotten the existence of these schools until the "even tenor of their way" was upset by an unwelcome circular or memorandum from the department. The presence or absence of a manager has been shown in such cases at any rate to make no difference to the working of the schools. The case, no doubt, is somewhat different when the headmaster of a school is also himself its manager; but, such schools* are not many.

82. It may perhaps be well to consider in this connection one inveterate and deep seated objection which a not inconsiderable section of the public feels

* Out of a total of 100 aided primary schools only about 20 schools have Headmaster-Managers.

towards the private ownership particularly of elementary schools. It is not improbable that in many instances such an objection is rooted in blind prejudice; but, it is a point which is sufficiently serious to merit the notice of Government as it makes a very big difference whether a particular kind of school has the confidence of the people or not. There is a complaint that many of the private schools are at bottom denominational. It is true that the Code definitely lays down that no religious instruction shall be given within school hours, and I am satisfied that in the majority of schools this rule is faithfully observed. But, the tendency is irresistible to the average mind in a province like that of religious sentiment to treat even a solitary instance of the violation of such a rule as crucial and as pointing towards an undetected but universal tendency towards evasion. Whatever be the special advantages resulting from religious instruction I think that it is utterly inexpedient for Government to countenance any denominational teaching in any of the schools in receipt of aid. I am not for a moment suggesting that such difficulties are either typical or universal; but, as I have already pointed out Government can appreciate the impression which such instances—however rare—produce on the public mind, particularly on the mind of the average parent and the general aversion which the public generally feels to private schools and the uniform preference shown to Sirkar management.

83. Just as the only consideration in favour of private educational agency is its comparative cheapness, the only circumstance which stands in the way of Government taking over the management of all the elementary schools is the large annual expenditure which such an arrangement will entail. I need not add that, at a time like the present, cost is a crucial question. But, it is significant that the public and the Legislative Council tend to brush aside the whole question of cost in this matter. It is, however, necessary to appraise oneself of the actual facts and the probable increase in expenditure before finally deciding one way or the other. The total cost to Government on account of private elementary schools is at present Rs. 4,26,678. It will cost them approximately another sum of Rs. 1,64,084 annually if the existing aided Vernacular primary schools are taken over to Sirkar management. This figure does not include the expenditure on stamps and stationery and other contingencies. In my opinion elementary education should be treated as one of the first charges on the national revenues; but, I do not, however, think it will be possible for Government to take over the aided primary schools immediately unless the teachers are prepared to accept a smaller scale of pay than what they are entitled to at present under the grant-in-aid rules. I would recommend that this question be taken up for consideration after the proposed School Boards have worked for some time and have had opportunities of studying the educational needs of the different districts and, if necessary, their ratable capacity. Arrangements may, however, be made in the meantime for the assumption of management by Government of the following schools whose continuance is absolutely necessary in the interests of education, but is threatened by the unstable nature of their present managements and for the similar treatment of deserving cases every year.

- 1 Co-operative Lower Secondary School, Kadungamangalam
- 2 Aided Vernacular Primary School, Parapacode
- 3 S. V. School, Kaccheri
- 4 K. V. School, Parthad
- 5 V. School, Kakarad
- 6 S. V. School, Manakkattur
- 7 V. School, Manakkattur
- 8 N. P. School, Manakkattur
- 9 Aided School, Pullu
- 10 R. M. School, Edathirinjil
- 11 Aided School, Varandrapilly
- 12 K. M. P. School, Vanmeethy

84. In spite of all that one hears about some school managers and in spite of the inefficiency, corruption and wastage which are to some extent inherent in the present system of grants-in-aid, we have to realise that the aided elementary schools have been advancing the cause of primary education by helping to disseminate the rudiments of knowledge among a large number of children who otherwise would have grown up in total ignorance. The time has, however, come to introduce a more efficient organisation and

less wasteful system of State-aid. The State may eventually have to take over the whole burden of elementary education; but, to my mind, there is no justification for precipitating this consummation in times of grave financial stringency. A great deal may be gained, and practically nothing but a little time lost, if we wait for the constitution of the local education authorities which are obviously the most appropriate organs of Government to take up a service like elementary education.

85. In regard to the ownership of secondary schools, I am definitely in favour of the restriction of direct governmental agency. In recent years Government have shown an almost feverish activity in opening their own high schools—often in places where there was no real need for such schools. As fees are levied in secondary schools and as Government propose to continue with very few modifications the liberal rates of grants-in-aid of secondary education, it should not be difficult to find managers who may be willing to take over the management of some of the Sirkar high schools—in some cases even without aid. I would recommend that the following secondary schools may, if Government deem it expedient, be handed over to private management:—

- 1 High School, Narakkal
- 2 High School, Kandassankadavu
- 3 High School, Trichur (To the Trichur Municipality)
- 4 High School, Kunnamkulam

86. Government may for the present continue to maintain the other high schools. The following two high schools which are good schools in themselves, but possessing no stable management may be taken over to Government for the time being:—

- 1 Sir Rama Varma Union High School, Cherai
- 2 D. V. High School, Velur

It should be possible in course of time to hand over some more of the secondary boys' schools to private management. In respect of the secondary education of girls, I am of opinion that the State should continue to do as at present the more important and onerous portion of the work.

VIII. THE CONTROL OF EDUCATION.

87. According to the 'constitution', if one may be permitted the use of such a high-sounding political term in such a humble context, the control of education vests in the Director of Public Instruction as representing the authority of His Highness' Government. In some matters an appeal lies to the Diwan against the ruling of the Director. What such matters are and under what circumstances is an appeal valid are all matters which are extremely vague and which require further definition. In Travancore the powers of the Director of Public Instruction are clearly defined, (please see Proceedings of Her Highness the Maharani Regent's Government—Order R. Dis. No. 1011 of 31/Education, dated 10th August 1931, appended—Appendix VI). They are in many respects more comprehensive than those of the Director of Public Instruction in Cochin. It is very desirable that a similar definition of the powers* of the Director of Public Instruction should be made also in Cochin as that would facilitate the quick despatch of routine work which is now often made to wait pending orders from Government in even trifling matters. With the decentralisation which accompanied the recent revision on the recommendation of the Special Finance Committee, no new powers were delegated by the Diwan to the Head of the Department; but, some powers previously vested in the Director of Public Instruction were delegated to the Inspecting Officers. This delegation, however, was not based on any clear principle, and the result is that, while in some matters too much was given over to the Inspectors, in others too little was conceded. There is, therefore, need for a thorough review of the position and a fresh distribution of powers among the officers of the department. To my mind the main principle on which this devolution of powers should be effected is that the control of expenditure should, as far as possible, be vested in the Head of the Department many of the other routine powers, more or less of technical or purely educational character, being delegated to the Inspecting

* The powers specified in the above Government Order will suffice for all practical purposes in Cochin as well.

Officers in proportion to their status and the general gradation of functions. In this connection I would submit that there is urgent need for drawing up a clearly defined 'Inspection Code' so that the several officers may be appraised of their respective duties and the constant complaints, which are now received from the subordinate officers may be avoided in future. An attempt is made in this direction and the results are embodied in Appendix VII.

A BOARD OF EDUCATION.

88. In reconstituting the Education Department Government may be pleased to consider the question of associating public opinion in a greater degree than at present by the creation of a central Board of Education to assist and advise the Director of Public Instruction, particularly, in regard to matters relating to elementary education. Proposals for the constitution of such a body were submitted by me and were generally approved by Government in their Proceedings D. 3. C. 943/1106 dated 27th May 1932.

89. The Board of Education will form the central consultative organ of the department. It will, in a large measure, help to consolidate and superintend the work of the local education authorities whose composition and mode of working are described further down in this report. The Board of Education will be composed of three kinds of members, (1) elected, (2) nominated and (3) ex-officio. The first class of members will be elected by the School Boards in the different taluks of the State and of the Principality of Cranganur and by the municipalities jointly. That is to say the taluks of Cochin-Kanayannur, Mukundapuram, Trichur, Talappalli and Chittur and the Principality of Cranganur, will each return a member, and the municipal towns will also jointly return one member, the voting being confined to members of the School Boards and the Education Committees of Municipal Councils. To ensure right choice and to safeguard the satisfactory working of the Board in the early years of its existence, Government may *select* representatives from the several taluks and the urban areas. The members to be *nominated*—as distinct from those to be elected—will be from the minority communities whose interests in the matter of education require special protection. I would not venture to fix the number of such members, but, would suggest tentatively that the following interests deserve special consideration at the present time:—(1) Muslim education, (2) Nambudiri education, (3) Backward and Depressed Classes education, and (4) female education. The ex-officio members will comprise one Inspector and the Inspectress of Schools and the Head of the Government Training Institution. With regard to the representation of other interests on the Board of Education it appears to me that there is no necessity to include them as the Board will be mainly concerned with problems of elementary education and as such there is very little justification or need for the inclusion of any trade or profession. Moreover, there is the question of the size of the Board to consider. Should experience, however, of the actual working of the Board suggest any reform on this head it may be considered later on. It seems desirable not to err on the side of excess, at any rate at the outset, in constituting popular bodies of this kind.

90. The Director of Public Instruction will be the President of the Board of Education. The Board may be allowed the services of a Secretary who may be paid an honorarium of Rs. 300 a year* and a clerk. The office of the Board will be held in the Director's Office building. The Secretary shall be responsible for the conduct of the Board's meetings and for the conduct of its routine administration.

91. The Board shall ordinarily meet at least once every quarter, more frequently when found necessary on a written requisition made by not less than four members to consider any matter of urgency.

92. The Board of Education being essentially advisory in character will have no direct dealings with the executive officers of the department other than the Director of Public Instruction who is its chairman. As a rule, matters of general educational interest will be referred to the Board by the department; and, even in cases where they are not so referred, any member will be at liberty

* The Secretary to the Board of Examiners is paid Rs. 500 a year.

to place before the Board for its consideration, after obtaining the permission of the chairman, any matter which the member considers important. Members may give the President notice of any subject or subjects within the purview of the Board which they wish to place before its meeting, and the President will include them in the agenda. The President shall have, however, the power of disallowing any subject for discussion at the Board's meetings, and his decision shall be final.

93. In proposing the creation of a new organisation, it is always difficult to define in advance all its powers in detail, and the suggestions which I am going to offer are intended to be only tentative.—(a) Applications for the opening of new schools, or for raising the standard, or for the abolition of existing ones, and requests for aid shall be referred to the Board for its advice. (b) Disputes between school managers, or between managers and teachers of grant-aided schools, involving anything more than matters of mere discipline shall be referred to the Board. (c) It shall be competent for the Board, on the advice of local education authorities, to concert measures for the provision of additional school places and for the improvement of the equipment and staff of existing schools. (d) The education of specially backward communities or backward tracts and the grant of special facilities to them and matters of general interest relating to vocational education shall be referred to the Board for its advice. (e) The preliminary Budget Estimates will be placed before the Board for its information and for its advice in respect of the items which relate to the "votable" items of expenditure.

94. The powers of the Board of Education shall, for the present, be purely advisory, and the decision of the Director of Public Instruction shall be final in respect of any matter brought before the Board.

THE INSPECTORATE.

95. The Inspectorate, as it is at present constituted, consists of the two Divisional Inspectors of the boys' schools, the Inspectress of girls' schools and their deputies. There are two Deputy Inspectors under each of the Inspectors and a Deputy Inspectress under the Inspectress.

96. The Southern Division comprises Cochin-Kanayannur, Cranganur and a portion of Mukundapuram, while the remaining portion of Mukundapuram and the Taluks of Trichur, Talappalli and Chittur go to form the Northern Division. The Inspectress has work in both the divisions as the schools in her charge are distributed over the whole State. The Deputy Inspectors at Ernakulam and Irinjalakkuda work under the Inspector of Schools, Southern Division, and the Deputies at Trichur and Vadakkancheri take orders from the Northern Division Inspector.

97. This arrangement, as will be seen from the details given below, involves certain practical difficulties which lead to unnecessary labour and waste. As all the schools intended exclusively for boys are placed under the two Inspectors and all the girls' schools under the Inspectress, practically two officers have jurisdiction over the whole State. This duplication of work is, however, essential with regard to secondary schools. But, in the field of primary education there is no necessity for running separate schools for boys and girls, as on no ground can co-education be objected to in this grade. Moreover, rules also allow the admission of girls in boys' primary schools and *vice versa*. The existence of a single malayalam girls' primary school under a Deputy Inspectress in a locality where there are no other schools of the sort presents some difficulty, for, the Deputy Inspectress has to come all the way, at considerable expenditure to the State to visit this single school which could otherwise have been visited by the Deputy Inspector under whose jurisdiction the other neighbouring schools are placed. There may be a boys' primary school requiring an additional division of a class or a class itself adjacent to a girls' primary school deficient in the minimum strength. By a proper transfer and adjustment of pupils between the two schools the necessity for new classes can be obviated in many cases. The fact that these two schools are under two different Inspecting Officers causes unnecessary correspondence and not seldom the intervention of the Head of the Department. A good deal of time, labour and money can be saved if the following proposals are accepted.

98. The distribution of the Vernacular Primary Schools at present is as follows:—

1. Cochin-Kanayannur	...	178
2. Cranganur	...	13
3. Mukundapuram	...	112
4. Trichur	...	93
5. Talappalli	...	96
6. Chittur	...	29
Total	...	<u>521</u>

99. The 191 schools of the Cochin-Kanayannur and Cranganur Taluks may be placed under the charge of two Deputy Inspectors and one junior Deputy Inspector*. The Deputy Inspectors will have their head-quarters at Ernakulam and Mattancheri and the junior Deputy Inspector at Cranganur. The Deputy Inspector at Ernakulam will be placed in charge of the schools at Ernakulam, Trippunittura, Mulanthuruthi, Chowwara, etc., the one at Mattancheri will have jurisdiction over schools at Mattancheri and a major portion of the backwater region; and the junior Deputy Inspector at Cranganur will be placed in charge of the schools in the Principality of Cranganur, Chennamangalam, etc. As this junior Deputy Inspector's jurisdiction includes both the Principality and parts of the State the cost of his establishment, etc., will be debited to the State. He will, however, be permitted to cash bills in the Cranganur Treasury.

100. As a large number of the schools in the Mukundapuram Taluk is situated in hilly tracts, not served by suitable means of transport or even communications in some cases, it is proposed to divide the 112 vernacular primary schools in this taluk between a Deputy Inspector with head-quarters at Chalakkudi and a junior Deputy Inspector with his office at Irinjalakkuda. The primary schools in the Trichur and Talappalli taluks will be placed under two Deputy Inspectors—one with his office at Trichur and the other at Vadakkancheri. The schools in the Chittur Taluk require special attention and a separate junior Deputy Inspector may be stationed at Chittur. This arrangement, I hope, will enable each of the Inspecting officers to visit the schools under them very often and exercise sufficient control over their working. There may be some economy in the travelling allowance also.

101. With the delegation of powers consequent on the decentralisation scheme embodied in the recommendations of the Special Finance Committee there began numerous complaints regarding the unsatisfactory working of the offices of the two Divisional Inspectors. I have also received oral and written complaints from these officers themselves that they have practically very little time to devote to inspection work. It is, therefore, proposed to further delegate some of their powers to the School Boards, and to the Deputy Inspectors; and some powers are proposed to be resumed by the Director of Public Instruction himself. (Please see the powers and duties of the several Inspecting officers explained in the Inspection Code which forms an appendix to this report). By this reform it may be found possible, also, to dispense with the services of one of the two Divisional Inspectors. The Inspectress will be placed in charge of *all Girls' Secondary Schools* in the State and the primary schools in the taluks of Cochin-Kanayannur and Cranganur, while the Inspector will have control over all the secondary boys' schools and the vernacular primary schools in the taluks of Mukundapuram, Trichur, Talappalli and Chittur. By the adoption of the changes briefly indicated above there will be a more even and equitable

*I propose the creation of this grade of Inspecting Officers as in Madras. The pay of these officers will be smaller than the Deputy Inspectors and the number of schools in their charge also less, although the powers assigned to both will be the same. The pay I propose for the junior Deputy Inspectors is Rs. 60—85.

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distribution of work among the officers of the department which must lead to a quicker and more satisfactory disposal of business together with the possibility of some economy in departmental expenditure—considerations which are of very great importance in constituting a Department of Government.

IX. THE ORGANISATION OF ELEMENTARY EDUCATION.

102. The problem of elementary education is so intimately bound up with the whole problem of modern citizenship that any attempt to study it in isolation from the many problems connected with membership of society is likely to degenerate into a purely academic discussion destitute of all significance to real life. An Education Code which fails to realise this close association of the problem of elementary education and the wider problems of citizenship tends in the long run to work more harm than good. Elementary education is, for instance, one of the most potent factors in rural reconstruction and any educational policy or programme which forgets this point of view is liable to grope about in vague generalities of no material consequence to the well-being of a people.

103. The one obvious characteristic of the organisation of elementary education in Cochin which strikes even the casual observer is the total absence of all popular control. This is all the more striking if one brings to bear upon a study of this question some knowledge of the condition of our education two generations ago. The Cochin Education Code was not the first attempt at educational reform. A Proclamation of 1818 sought to establish vernacular schools in every 'Proverthy', and although this system was formally abandoned in 1833, these Proverthy schools continued to flourish till they were finally superseded by the more efficient and systematic institutions which were established in 1889—1890. During all these years of hesitating and half-hearted State action the traditional, single-teacher 'pyal' schools continued their useful work in their own unmethodical but not altogether inefficient manner. In the words of the Census Report of 1891 "In spite of the many defects in the matter and the manner of the instruction imparted by them, they carried the rudiments of knowledge to the doors of the poor and the lowly". In addition to the advantages of getting education practically at the door of every home, these 'pyal' schools were the expression of a traditional social organisation, the result of a fair measure of rural self-sufficiency and self-government, receiving no financial or other assistance from the central Government and maintained solely by the good will and support of the local rural public. The school was a "village affair," the product of intense local self-consciousness and patriotism. It represented what the people were doing *for themselves* in the matter of elementary education—however unscientific the manner of doing it might have been.

104. The next attempt at State Regulation was made in 1911 during the Diwanship of Mr. (now Sir) Albion Banerji. However excellent might have been the result of this reform in respect of the quality and "efficiency" of education, it permanently wiped out the last vestiges of popular control. It is impossible to overrate the importance of the educational reforms introduced by Mr. Banerji whose keen intellect and liberal views are alike reflected in the official documents which are justly called in their entirety a "Blue Book" on education. No changes have since been introduced in the system of education and the last twenty years of educational progress in Cochin may accurately be described as the working out—often without sufficient safeguards—of the provisions of the Code.

105. The Code led to two important results namely, (1) the removal of all popular control and (2) the rapid growth of educational expenditure. The first of these I have already noticed in a preliminary manner and I shall have occasion to return to it again and again in the course of this survey. The growth of educational expenditure has been so steady and continuous that to-day we are faced with a situation of very grave import. The total expenditure on education in 1978 was Rs. 97,965 while the expenditure in 1906 on primary education alone was Rs. 8,00,251. The time has obviously come for us to pause and think whether the real needs of elementary education justify so enormous an expenditure of public money and whether the interests of efficiency require the abolition of all popular control and local colouring.

106. Another consequence of the new system of education—particularly in the sphere of primary education—has been a definite tendency towards ‘stereotyping’, both in the matter and the manner of instruction. Mr. Banerji himself was aware that a stereotyped system of elementary education was very unsuitable for Cochin. Yet it was exactly this that the new system unconsciously tended to do. But, as I have already remarked, the main difficulty is not so much the tendency of the system to stereotype elementary education as the stupendous cost at which this is done.

107. The old policy of “no aid and no control” was replaced by what the Diwan called an “elastic system of grants” by means of which he hoped to minimise expenditure without hampering the expansion of both elementary and secondary education. Government schools which are more expensive were to be started and maintained only in cases of proved necessity; while the offer of attractive terms of aid—though cheap in respect of aided school—encouraged the opening of schools even when there was very little necessity. And, in thus leaving education in the hands of private agency he thought he was leaving it “in the hands of the people”.

108. We must pause and try to realise the significance of the change that was effected or that gradually come over the system of primary education. Before the introduction of the system of grant-in-aid in 1889 elementary education was wholly in the hands of the people and was blessed with a shocking variety of standards. With the introduction of grants-in-aid the control to some extent passed into the hands of Government; and attempts were consciously made to standardise elementary education. With the introduction of the present system in 1911 the tendency towards stereotyping strengthened and the organisation and control of elementary education gradually passed into the hands of a new class—the managers—and led to greater and stricter State-control. With the growth of State-control and the development of the system of grant-in-aid schools, the expenditure on education, also, rapidly grew; and, to-day we are left with 521 elementary schools of which 391 are aided with an expenditure of about 4 lakhs of rupees. We have at present 124 Sirkar primary schools and 397 grant-aided ones. The number of Sirkar primary schools has practically been stationary since the year 1102 while that of aided ones has gone up from 378 to 397 during the same period. With the growth of aided schools the control of primary education has gradually tended to pass from Government to private agencies, although in a variety of ways the Education Department has been forced to exercise a system of vexatious interference.

109. I have dealt elsewhere in this report with the question how far it is just to say that we have a superfluity of schools. I am here concerned only with the question of expenditure and the closely allied problem of the organisation of elementary education. As far as I can judge nothing is to be gained by the Central Government taking over the whole burden of elementary education. The true line of educational policy is to leave it entirely “in the hands of the people”. The only question to be settled is what we are to understand by the term “in the hands of the people”. Prior to 1889 it meant the pial school teachers; after 1911 it has meant “in the hands of the managers” liberally paid by Government. Neither interpretation has been attended with satisfactory results, and, my suggestion is that we might now try and leave it in the hands of the representatives of the people organised in local self-governing bodies.

110. The main points to be borne in mind are and I presume all right-thinking people will agree—(1) every chance should be afforded to the people to determine the general outline of the system of elementary education they want; that is to say as far as possible everything which is not of a technical nature should be left in their hands; (2) the people should have a voice in determining the amount of money which may be properly spent on public elementary education; (3) they should themselves bear the burden of additional expenditure should they deem additional facilities necessary; but, at the same time, (4) expenditure should be kept down to an irreducible minimum; and (5) every opportunity should be afforded for the satisfaction of local needs and the exercise of local knowledge and patriotism.

111. However much we may believe in the expert nature of educational science and of the art of teaching, it will be conceded by every unsophisticated

person that a great deal of the subject matter and the organisation of elementary education may be safely left to the judgment of persons of average intelligence with no technical knowledge of the intricacies of child psychology or educational methods. Under no scheme of elementary education is it possible to include in the curriculum much more than the 3 R's with some training of the hand in some useful handicrafts. It is my firm conviction that our villagers possess sufficient knowledge and common-sense to appreciate the value of these rudiments of knowledge not to meddle with the technical aspects of teaching. In fact many of our school managers possess no higher qualification than what the average villager possesses. And my suggestion is that, instead of leaving things to be managed by these managers, we may leave them to some *statutory local body* of citizens. It is not my intention that these local bodies should wrest our aided schools from the managers. But, I mean that many of the powers now exercised by the officials of the Education Department—powers which call for no expert knowledge of education—may be entrusted to such local education authorities and the rural primary schools now run by Government may be handed over to them. What these powers are I have discussed further down in this report.

112. If the findings of the survey are not altogether incorrect and my judgment wholly erroneous, I would suggest that *Government should definitely fix their contribution in respect of elementary education*. In this connection I may refer to a circular dated 3rd March 1926, issued by the Education Department inviting the holders of Secondary School Leaving Certificates to start elementary schools. (Please see Appendix VIII). Even apart from such invitations the department had received 70 applications for permission to start schools in the 3 previous years. In fact schools were generally started with no special reference to the needs of the locality as was soon proved by further requests for exemption from the rule regarding the minimum strength for purposes of full grant. If some responsible statutory local body could have been consulted, many of these applications might have been disallowed—particularly, if such a body could be made responsible for finding funds for financing these new schools. It is very necessary, therefore, that these local bodies whose creation I advocate should be made to realise their responsibility, and this can be best done by making them bear a portion of the cost of new schools. (For more details please see section on School Boards). They must also be given a definite voice in framing the elementary education estimates through their representatives on the Board of Education.

113. At present the total cost to the Treasury on account of elementary education is 8,00,251, *i. e.*, Rs. 6—4—6 per pupil and Re. 0—10—7 per head of population. This expenditure is made up as follows:—

1. The cost of maintenance of Government primary schools	..	Rs. 3,73,573.
2. Grants to private educational agencies	..	Rs. 4,26,678.

To this must be added what the managers are expected to contribute. On a rough calculation this comes to Rs. 98,857. The gross total expenditure on elementary education every year thus comes to Rs. 8,99,103. A reference to the table in Appendix IX will show that this is well over 50 per cent of the total expenditure on education. Over and above this there is the annual charge on the pension list and the annual expenditure on elementary school buildings—items which do not find a place in the Education Estimates.

114. Even the most zealous educationist cannot but admit that we have come to a point in the growth of expenditure which cannot be exceeded without vitally affecting the other nation-building services. Government have been forced to make drastic cuts in the estimates of 1108. But, in making these cuts, it was found very difficult to adopt any definite lines of economy. Considering the enormous educational machinery that has gradually and almost imperceptibly grown up, one could not say that the estimates were too high; at the same time, in view of the financial crisis with which Government were confronted no economy was too drastic and no saving, however small in itself, was too trifling to be resorted to. If occasion for such drastic and at times necessarily arbitrary

cuts is to be avoided in future; it is imperative to place elementary education on a basis somewhat different from the present one. Fresh taxation is sure to look unreasonable when all the old taxes remain unremitted. But, I would point out that as long as elementary education continues to be financed wholly from the central revenues the cost is bound to go up year by year. Elementary education is, no doubt, a national concern; but, that does not mean that the whole cost of it should be met by central taxation. In fact it is not even quite fair to place the whole burden of elementary education on the central revenues, considering that at present some parts of the State are made to bear the cost with no reference to the amount of service they receive. Again, it is a matter of common observation that the interest of the average man in any undertaking varies with his financial responsibility and his personal knowledge. Make every man in the village feel that he is contributing—however small the quota—towards the cost of his village schools and you will see how quickly his interest awakens. Make him realise also that the success of his village academy depends on his generosity, intelligent co-operation and vigilant supervision; and, then—but not till then—our elementary education will be permanently saved both from educational and financial bankruptcy.

115. I would, therefore, suggest that Government should fix the contribution from the central revenues at a reasonable figure—say even at the Rs. 8 lakhs which they now pay—carefully distribute this sum of money among the several educational districts, and authorise their new local education authorities to find out of rates or subscriptions the additional expenditure that may be found necessary in future. I should give each district the option of finding the additional funds by either rating or by voluntary subscriptions because, where voluntary munificence exists, it is wrong in principle and injurious in effect to levy a compulsory rate, particularly in aid of a service like education where spontaneous effort and local feeling may be depended upon.

116. One very desirable change which is certain to come if powers and responsibilities are delegated to local authorities is that every primary school will come in course of time to be staffed by men who belong to the locality and who possess a natural interest in the well-being of their schools. This would also render it possible to reduce wages without causing any serious hardship. Small as Cochin is in extent it makes a big difference to a man whether he is posted to Mayannur or Mulanthuruthi if he is a native of either the one or the other. From intimate personal discussion with the low paid teachers, I have learned that a transfer to a "strange place" means at least 30 per cent more in the total cost of living; and the scales of salaries which a School Board can safely establish without causing any serious hardship to its teachers will be appreciably below what Government are now obliged to maintain—not to speak of the saving on travelling allowance. Any one who is at all acquainted with the conditions of rural life can appreciate what it means to a man to be able to work near his own home with no rents to pay, no journeys to pay for, absorbed all the time—if he has a call for his profession—in educating his own children or the children of his neighbours. Those who have had opportunities of attending school-day celebrations in schools where the teachers are all natives of the locality and of comparing their enthusiasm and glow of feeling with a similar function in a school staffed by what a modern critic calls "mercenary educational vagrants" can appreciate what it means to entrust elementary education to local education authorities.

117. When all the "Sirkar" schools have gradually become "Board" schools with teachers paid by the local education authorities, the present system of superannuation pension may have to be replaced by a liberal provident fund scheme. It is unnecessary that I should discuss the relative merits of the two systems; but, it must be obvious to everyone that it will not be possible for a local education authority in a small State like Cochin to finance any scheme of superannuation other than a provident fund. If the upper age limit in respect of active service is raised from 55 to 60—a change which is quite feasible in the case of the teaching profession—a provident fund is likely to be even more attractive than a pension with the normal uncertainty which attaches to the length of life after sixty.

118. By adopting the scheme which I have worked out further down in this report it ought to be possible not only to make immediate retrenchment in the cost of elementary education, but also to stabilise expenditure in respect of the contribution out of a central taxation. The control of education will also pass, at least gradually, from the Education Department to local education authorities—a change which is sure to have very far reaching effects on the political progress of the people.

119. One serious difficulty was at first raised by some educationists with whom I discussed the matter—namely, the future of private agencies in the field of elementary education. *My position frankly is that elementary education should be entirely in the hands of local bodies* and I can see no serious obstacle in the way of the progressive transformation of by far the majority of “aided” schools into “Board” schools. It will, in the first place, be impossible for an “aided” school to compete for custom with a “Board” school as it does now and often very successfully with Sirkar schools. In the second place the strongest reason for the operation of private educational effort as a public service will disappear with the proposed decentralisation of elementary education and the creation of local education boards. Comparatively small outlay, low recurring cost, personal attention, etc., are what keep “aided” schools going. “Board” schools should not find it at all difficult to practise all these economies and acquire all these excellences and thus outstrip private institutions in the long run.

120. I will now turn to discuss in some detail the constitution of these local bodies and the powers which I propose to be delegated to them.

X. SCHOOL BOARDS.

121. The machinery of Public Instruction has grown so vast and complex that its effective administration has become exceedingly difficult. We have dealt with some of the serious financial difficulties with which we are confronted under the present system. We must now look a little more in detail into the main defects of the present system of public elementary education in respect of its organisation and control.

122. The chief defects of the present organisation of primary education may be summed up in one word “over-centralisation”. This over-centralisation manifests itself in many ways—particularly in the focussing of all powers in the Director and the Inspecting Officers. Till the recent reorganisation practically all responsibility was vested in the Director of Public Instruction. The decentralisation effected along the lines suggested by the Special Finance Committee has, however, achieved very little. Beyond creating a new class of officials—the Deputy Inspecting Officers—and the delegation of some routine duties to the Divisional Inspectors, nothing was attempted. The administration has consequently become even more difficult—the powers of the several officers being not well-defined—the despatch of normal work is delayed and complaints from the public and from the schools have increased. The need for further reform is therefore patent.

123. I certainly appreciate the need for further devolution of administrative powers; but, I am sceptical whether devolution on the lines we have adopted till now will lead to any good result. I am firmly convinced that *further decentralisation must be in the direction of the devolution of powers to local bodies and not to smaller officials*. One aspect of the over-centralisation of administrative machinery is found in the total exclusion of all popular representation and popular control. I have already had occasion to refer to the imperative and urgent need for handing over as much as possible the administration of elementary education to the people as the only means of evoking popular interest and awakening a sense of responsibility in them. The decentralisation which I here propose involves the transfer of a part of the powers now invested in the Director of Public Instruction and in the other departmental officers to local education authorities. Our village organisation which had many virtues was sadly deficient in the provision it made for the education of its children on a systematic basis. The village school master was omniscient in his own small way, but, in the absence of any definite organisation he was largely left to his own views and methods. No doubt in a crude and halting manner the people secured for

themselves the services of a teacher, paid him whatever and whenever they could and, to some extent, controlled their educationists though not the system of education. The Code did away with this rudimentary control and substituted in its place a centrally organised system of elementary education which, though more "efficient", left both local talent and local patriotism largely out in the cold. With a view to remedy this defect of the present system of public elementary education and to decentralise the organisation and control of elementary education and to bring it into constant and close contact with the wishes and educational needs of the people, it is proposed to divide the State into twenty-eight educational districts as follows and to institute a local education committee with a pronounced popular and elected majority and to invest these bodies with certain powers of counsel and supervision. The several educational districts shall be based on the following grouping of Village Panchayats:—

I. COCHIN-KANAYANNUR TALUK.

1. Malayattur and Vellarappilly.
2. Elankulam, Maradu, Nadamel, Vadavukode and Thiruvankulam.
3. Mulanthuruthi and Amballur.
4. Chennamangalam and Edavilangu.
5. Pallippuram, Edavanakad, Narakkal, Elanguampuzha and Cheranellur.
6. Pallivirutti, Kumbalangi and Chellanam.

II. CRANGANUR.

1. Methala and Lokamaleswaram.

III. MUKUNDAPURAM TALUK.

1. Varandarappilly, Trikkur, Kodakara and Parappukara.
2. Porathissery, Kattur and Irinjalkkuda.
3. Poomangalam, Velookkara and Padiyur.
4. Alur, Chalakkudi, Pariyaram and Melur.
5. Kizhakkummuri, Kallur Thekkummuri, Vadana and Poyya.

IV. TRICHUR TALUK.

1. Kaiparamba, Avanur, Tholur and Adat.
2. Kolazhi and Vilvattom.
3. Ayyanthole and Eravu.
4. Manalur, Anthikad, Chazhur and Thaniyam.
5. Oorakam, Chevur, Kodannur and Koorkancheri.
6. Ollur, Puthur, Ollukkara and Panancheri.

V. TALAPPALLI TALUK.

1. Kattakampal, Kadavallur and Porkulam.
2. Arthat, Choondal and Chovvannur.
3. Vellattanjur, Velur and Kadangode.
4. Kariyannur, Mundathikode, Vadakkancheri and Thekkumkara.
5. Varavur, Desamangalam and Panjal.
6. Chelakkara, Pazhayannur, Kondazhi and Tiruvilluamala.

VI. CHITTUR TALUK.

1. Vadakirapathy and Eruthempathy.
2. Kolinjampara and Nalleppilly.
3. Pattancheri.
4. Ayalur and Nemmara.

124. We have already dealt with the Board of Education. It will represent the element of popular control in the central Government. While its influence will be both effective and salutary as far as it goes, its contact with the masses will be far from intimate. The "local colour" which is so necessary and healthy a feature of a good system of primary education will be absent from its organisation if provision were not simultaneously made for the creation of local education authorities. The School Boards, which I here advocate, will be our local education authorities as distinct from the officers of the Education Department.

SCHOOL BOARDS: THEIR CONSTITUTION AND POWERS.

125. In every Educational District there shall be constituted a School Board consisting of a President, a Secretary and such number of members as Government may prescribe. Members will be of three classes—elected, ex-officio and nominated. Government may appoint one of the members of the School Board to be the President and another the Secretary. The members shall hold office for a period of three years and shall be eligible for re-election. Government may, by notification, authorise the Board to elect its President and

Secretary from among its own number subject to the approval of the Government. One of the village parvathakarans of the villages comprising the jurisdiction of the School Board shall ex-officio be a member of the Board, but, the actual selection shall be made by Government. Government may nominate other members of the Board with a view to secure the representation of minorities. The number of nominated and ex-officio members, however, shall not exceed half of the total number of members. No member of the School Board other than the Secretary shall receive any salary or other remuneration from the funds at the disposal of the Board. The Secretary shall be paid an honorarium of Rs. 100 per year. The Secretary shall be responsible for the custody of the records and moneys of the Board and for the proper conduct of its affairs in general. The Board shall have its own office and the services of a clerk and a peon. The Board shall meet at least once a month.

126. The resolutions of the Board shall be carried into effect by the President, but, he may authorise the Secretary to perform any of the duties or exercise any of the powers vested in the President. Every School Board may make Standing Orders consistent with its constitution and powers and subject to the approval of the Education Department.

DUTIES OF SCHOOL BOARDS.

127. 1. Every School Board will be required to maintain a register showing all elementary schools within its jurisdiction and the number of school places thus provided. It will also tabulate such further information as may be necessary to enable the Education Department to frame an estimate of the existing provision for elementary education and of the further provision which may have to be made in order to place primary education within the reach of all children of school-going age.

2. The School Boards shall receive and forward to the Director of Public Instruction through local Inspecting Officer all applications for the grant of recognition or aid to schools. When circumstances warrant such a step the Board may recommend to the Director of Public Instruction the withdrawal or suspension of recognition or aid.

3. The School Boards shall be empowered to disburse all sanctioned grants-in-aid to elementary schools under private management from funds placed at the disposal of the Board in this behalf.

4. School Boards shall prepare and maintain a register of all trained and certificated teachers and shall submit proposals for increasing the supply of such teachers.

5. The Boards shall furnish a report to the Inspector of Schools (or Director of Public Instruction) by such date and in such form as the Director of Public Instruction may prescribe exhibiting the grants-in-aid which it has paid to schools within its jurisdiction.

6. On or before the last day of Kumbham in each year every School Board shall submit to the Director of Public Instruction through the Inspector of Schools in such form as may be prescribed a budget of income and expenditure for the ensuing financial year.

7. The accounts of every School Board shall be examined and audited periodically under orders of Government.

8. A School Board may, with the sanction of Government, take over the management of Sirkar or aided schools in accordance with the rules prescribed by Government in respect of the pay, provident fund, etc., of teachers of such schools.

9. A School Board may appoint "Attendance" and "Care Committees" for the benefit of the school children. The Board may, subject to the approval of the Director of Public Instruction, prescribe the duties and powers of these committees. By this arrangement it will be possible to abolish the present unsatisfactory system of medical inspection.

10. The Board shall be responsible for the actual distribution of the supplies and concessions to which Depressed Class pupils are eligible. The

Board shall in future be the authority competent to issue poverty certificates to backward class pupils seeking half-fee and other educational concessions.

11. The Board shall make such arrangements as may be ordered by Government for the medical inspection of school children and for the free treatment of children who may be found to be in need of medical aid.

12. The Boards may exercise such other powers as Government may, wherever they deem it necessary and whenever they think it expedient, invest them with,—such as the power of compulsory elementary education or of levying a local education cess or rate, etc.

128. From the powers and responsibilities with which I propose to invest the School Boards it will be found that, unlike the District Educational Councils in the Madras Presidency, these Boards have no voice in matters of a technical nature. The power of granting recognition and "aid" is still proposed to be reserved to the Director of Public Instruction although in granting these he will be guided by the recommendations of the School Boards and the advice of the Board of Education. The disbursing of grants-in-aid and the passing of bills every month will be attended to by the School Boards so that there will be no room for complaints of delay in this respect. After this system has worked for some years and the Boards have acquired sufficient experience, it should be possible to hand over all the Sirkar Primary Schools to the School Boards and to make elementary education a wholly municipal service.

129. I would like to note in passing one objection which may be levelled against this proposal. It may be said the School Board is nothing new; it has been tried in England, found to be unsatisfactory and finally abandoned. I must admit that the name "School Board" labours under this sad reputation; but, in substance the School Boards which I propose to create have not much in common with the educational experiment by means of which the organisation of elementary education was carried from one stage of development to another in England. The local education authority whose creation I have here advocated will not in essence be an *ad hoc* body, but simply the incorporation of existing local bodies for the discharge of a common national function. This *grouping* of Panchayats and the *delegation* of a substantial measure of administrative powers to them in this union may serve in course of time as the basis of a new order of local bodies with enlarged powers in which the Panchayats may eventually come to be absorbed as units. The School Boards will *not* be *alongside of Panchayats* but the *Panchayats themselves in temporary union* directed to the pursuit of a common educational policy and the fulfilment of a common programme of elementary education. In the case of urban areas where there are municipalities no special School Boards will be instituted, but the powers proposed to be given to them will be entrusted to an "Education Committee" of the municipal council. These education committees may be empowered to exercise all the powers with which School Boards are proposed to be invested. In addition to these the Municipal Education Committees may be authorised to pass the grant bills of the secondary schools within their jurisdiction and to suspend aid—in cases of any default—for a period not exceeding one month, such action being reported to the Education Department. Such of the municipalities as have funds for the purpose may be allowed to appoint an Education officer of the status of a Junior Deputy Inspector to inspect the primary schools with a salary of Rs. 60—85. (For a list of private schools within municipal areas and the amounts annually disbursed to them in the shape of grants, please see Appendix X). I can see no reasonable objection, even of a historical character, to giving a fair trial to this proposal; and in this connection I would remind Government that the success of an administrative experiment of this kind largely depends on the choice of a proper personnel and in order that an essentially workable arrangement may not be condemned without due consideration or trial I would recommend that in the first instance all the persons may be selected and nominated by Government. (Please see my letter of 7th May 1932 and D. P. dated 27th May 1932 D. 3. C. 943/06 D. D.)

XI. SOME OUTSTANDING PROBLEMS.

(a) FEMALE EDUCATION.

130. Cochin has for years been justly famous for the progress she has made in the matter of female education. We have to-day 67 per cent of the girls

of school age under effective instruction. Secondary education among girls has made rapid strides and we have to-day 12 high schools and 13 lower secondary schools specially for girls and quite a number of girls attending boys' high schools, with a total enrolment of 4,567 girls in the secondary classes alone. We have even a Pulaya girl studying in the Intermediate class.

131. The fee concession granted to girls and the general awakening of the womanhood of Cochin have been responsible for the satisfactory progress in female education. The question was even raised the other day in the Legislative Council whether the time had not come for the withdrawal of the special concessions in view of the progress already achieved. My inquiries, however, go to show that it is yet too early to withdraw the educational concessions now granted to girls. If the concessions are stopped or even curtailed there is sure to be an appreciable fall in the strength of our girls' schools; and instead of there being any increase even in fee income a fall is likely to result.

132. I may here briefly notice and dispose of a controversy that has recently been started also in Cochin about the desirability of co-education. Many of our primary schools are mixed schools, and so far no objection has been raised by any one against co-education in primary schools. I may, therefore, restrict myself to a consideration of co-education in secondary schools. In mixed secondary schools where there is a sufficient number of girls, parallel divisions of forms are maintained. This has been done not because of any objection from either parents or pupils to the mixing of children of the two sexes, but, because this arrangement provides facilities for framing a time-table with provision for special courses of study for girls and thus removes all room for one of the chief objections to co-education in secondary schools, namely, the impossibility of a suitable differentiation of studies according to the physical, vocational and other needs of each sex. Another objection that is sometimes raised is that co-education during adolescence prevents the development of some of the finer feminine qualities in girls and of virile characteristics in boys. The cumulative experience of many years of co-education in Cochin and the testimony of other countries go to disprove such a contention. On the contrary, co-education offers opportunities of social intercourse between the two sexes at the most impressionable period of life and under the guidance and supervision of teachers. Where parents evince no objection to co-education as in Cochin, it is wrong to duplicate schools, for, there can be no doubt that co-education in most cases is more economical than education on a separate basis. In large centres of population this may be impossible as in Ernakulam, or Trichur, or even Irinjākkuda, but in places where numbers do not justify the existence of two secondary schools there is no justification for maintaining a separate school for girls.

(b) ADULT EDUCATION.

133. The recent Census has disclosed that literacy in the older age-periods is low, and this is more marked in the case of women than in that of men. Of the total number of literate women only less than 40 per cent belong to age-periods above twenty-four, while in the case of literate males 53·1 per cent belong to periods over twenty-four years of age.

134. These figures raise a serious problem for the educationist. How are we to extend to these unfortunate illiterate men and women the rudiments of knowledge? The State has so far gone along the beaten track of running "Night Schools" for the benefit of these people, but my experience of the working of these institutions enables me to testify to their futility in the large majority of cases. I am unable to give *authentic* figures about the enrolment of these schools as the admission and attendance registers have in many cases been proved to be false. In many cases visits have proved that night schools have been in existence only in the records of the department. In most cases the strength of these schools were drawn from children below twelve who ought to be attending day schools.

135. In 1105 there were nominally 6 Sirkar night schools and 128 aided ones. In 1106 their numbers were reduced to 4 and 107 respectively and by the end of 1107 they had fallen to 3 and 42. In some cases the schools were abolished when they were found to be not functioning properly or not functioning

at all. In other cases the managers themselves sought the sanction of the department to close down their schools when called upon to explain some serious irregularity. At present there are 45 night schools left, and they are distributed as follows:—

Serial No.	Name of Taluk	No. of Night Schools
1	Cochin-Kanayannur ..	21
2	Cranganur ..	1
3	Mukundapuram ..	7
4	Trichur ...	1
5	Talappalli ...	14
6	Chittur ...	1

136. Even these, with a few exceptions, are not working properly, and it is best to abolish most if not all of them as few of them fulfil in any measure the main purpose of such institutions, namely the education of adults.

137. It might have been little more than a historical accident that the first adult school started in 1798 at Nottingham by William Singleton was intended primarily for the education of adult women although a men's class was soon added to it. As I have already remarked, illiteracy is more marked among adult women than among men in Cochin; and the efforts of Government in the direction of affording facilities for adult education must be such as would attract adult women in large numbers. I would, therefore, refer chiefly to the education of adult women. I, however, hope that my remarks and my proposals will be found to comprehend both male and female adults and the institutions whose creation I recommend will help to further adult education irrespective of sex.

138. The education of adult women presents serious difficulties all the world over. These inherent difficulties are considerably increased in the case of Cochin and I presume, Travancore and Malabar, where social and economic conditions are almost identical.

139. It is strange and, to a superficial view, inexplicable that the problem of adult education is more acute now than it was, say, a generation or two ago—if we mean by education not mere literacy but the penetration of life by the ennobling influence of culture. It is, therefore, not by any means certain that with the spread of elementary education the problem of the "uneducated mother" will vanish. Special efforts will have to be made to see that the evil of ignorance is tackled at the root and the benefits of knowledge placed within the reach not merely of the rising generation but also of the large body of grown up girls and women who have so far had no opportunities of any education worth the name. The enforcement of mere literacy is not enough, although I recognise that the capacity to read and write is the indispensable pre-requisite of all progress in this direction. The story of the continued failure of all our night schools has its own moral to teach. At any rate these night schools are inadequate and unsuitable, not merely because they fail to reach any considerable proportion of adults, but, because they are in principle incapable of achieving anything. *Night Schools are obviously futile in a country where there is no statutory regulation of the hours of labour.* In summer the working men and women do not leave their work till late in the evening and are, therefore, unable to avail themselves even of the meagre facilities afforded by these night schools. Again, our society does not look with favour on any arrangement which involves our women staying out till late at night, and in effect what has happened is that even those who might otherwise attend these schools are prevented from doing so by the inconvenient hours and the unsuitable places where such schools are conducted. There is also an additional difficulty with regard to the level of education aimed at by these institutions. An adult is an adult even if she is illiterate, and unless her natural

interests are evoked into activity, she will learn precious little. Her knowledge of the alphabet may be rudimentary; but, her knowledge of life is not so immature even if sadly incomplete. The usual things which interest a girl will have no charm for her; and unless we greatly modify the syllabus, nothing will be achieved. To a child even a thoroughly domestic animal like the cat is something of a novelty and a lesson on the cat will interest and hold its attention. To the adult woman such a lesson will be a mere waste of time. She will listen if she is taught to read and write—taught something about the many things of which she does not know or her knowledge is very imperfect. Adult interests are different from the interests of children and a system of education which fails to take account of this difference is bound to fail.

140. Again, by far the largest majority of adult women who want education are drawn from the working classes. The rich or middle class woman whose education has been neglected has within her reach at all times the means of self-improvement if only she would realise the seriousness of life and the dignity of intellectual pursuits. But, with the "working mother" and even the other women of the working classes the case is quite different. It must, however, be said to their credit that from actual experience I have found the 'working mother' to be more keenly alive to the need for educating her children than the women of the upper and middle classes. But, she vainly seeks opportunities which are ignored or neglected by her wealthier sisters. She works and starves not merely that she may feed and clothe but also educate her children. Her idea of education may be circumscribed and may not transcend the malayalam primary school. She is anxious to provide for her children what she has herself missed. The need for the education of the working mother is all the more urgent as on her good sense and self-sacrifice depends the education of the future generation of the mass of our people.

141. What, then, are we to do with this heterogenous body of illiterate and ignorant men and women on whose education not merely their own welfare but also the welfare of posterity depends. The problem is a very complex one. The persons to be educated belong to (1) different communities, (2) different callings or kinds of manual labour, (3) they vary in intelligence, (4) in age, and (5) in the amount of leisure they possess. How are we to devise a system sufficiently comprehensive and yet possessed of sufficient internal variety? What again, is the best agency for imparting this education?

142. I shall take up the last question first. In most countries adult education has been mainly undertaken by evangelical philanthropy, the State stepping in only pretty late in the process and even then only to supplement private effort. I would suggest that we may restrict State-action to the opening of evening classes attached to lower secondary schools, leaving the rest of the work to charitable and religious organisations as far as possible. The christian churches, the muslim educational society, the local branches of the Women's Indian Association, the Nayar Samajams, the Yogakshema Sabha and Upasabhas and the various educational and social organisations among the backward and depressed classes may be liberally aided and encouraged to arrange for the education of adults belonging to these several communities. In no case should the responsibility be handed over to individuals. The State will supervise the work of these societies and distribute financial help in proportion to their deserts. In many instances no school building may be required, the premises of the local church or temple being perhaps the most suitable places.

143. I shall lay down no definite or invariable curricula of studies, but only suggest that they may include among other things:—

- (1) Reading and writing—to be attempted slowly and by easy stages;
- (2) the exposition of books of cultural interest especially in the narrative form, this may be varied and occasionally enlivened by reading some popular work of fiction;
- (3) the principles of hygiene, particularly as far as it concerns the home and the up-bringing of children, their care in health and sickness, etc.;
- (4) occasional discussions on the nature of the many conveniences of modern life such as the railway, the hospital, the school and the village library;

(5) the elements of arithmetic and their application to the many needs of daily life; and

(6) needle-work (in the case of women).

144. No hard and fast grading of pupils and no regular examinations are needed. Occasionally a reward may be offered for some special excellence. An attendance register will be kept but no fees will be levied. The hours of instruction may vary with each locality, the habits and vocations of the people and the seasons of the year.

145. The opinion is often expressed that with the introduction of compulsory primary education or, even with the rapid spread of primary education among the masses even in the absence of compulsion, all need for adult education will naturally vanish. As I have already observed, education means not mere literacy, but the penetration of life by the influences of culture. No scheme of compulsory primary education can achieve much more than a knowledge of the traditional 3 R's. There is no reason why a progressive community should leave its children at that without providing some means of continued education. The establishment of a system of rural libraries will be the best means—and perhaps the cheapest—of ensuring opportunities for this self-education after the child leaves the portals of the elementary school. Even if these rural libraries achieve little beyond keeping up the habit of reading a few printed lines every day, they will have achieved a great deal.

(c) RELIGIOUS INSTRUCTION.

146. Religion has been the earliest and the most powerful agent in the dissemination of knowledge. The earliest universities and schools have had their origin in the efforts of some religious order or other to impart the rudiments of knowledge to the whole body of believers. Religion has thus played—historically speaking—a very important part in the foundation of schools and the fostering of learning.

147. With the growth of science and the development of a system of secular education, religion came to be gradually thrown into the shade; and, educationists are not now wanting who hold that religious instruction in public schools is an archaic futility. We are here concerned not so much with the theoretical question of the feasibility or value of imparting religious knowledge through schools in a community which has an "established religion" as with the wholly practical—and I fear impracticable—question of making our schools the means of religious instruction for pupils who belong to diverse castes and creeds not often at peace with one another. Religion with us, it must not be forgotten, is a deeply communal affair; and, it seems to me inexpedient, to say the least, for Government to undertake so delicate a task.

148. More than once, the question of religious instruction was raised in the Legislative Council and on every occasion it was rejected by a majority. The Education Department itself had considered the question much earlier. A committee was appointed (please see Director's Proceedings, dated 11th July 1929, R. O. P. 581/1104) to inquire into the question. This committee met, deliberated and eventually resolved that "it is high time to introduce religious instruction in schools". With a view to give practical effect to this conviction, the committee recommended (a) that a copy of the book on comparative religion be got down from the Women's University at Poona to be used as a text book along with two other books, namely (i) "Man's great concern" and (ii) Prof. D. S. Sarma's "Primer of Hinduism"; (b) that *prayers which are not likely to wound the religious susceptibilities of any class or community* may be introduced; (c) that a two minutes' silence be observed in all schools *when pupils should concentrate their thoughts on God*, preferably at the beginning of the day's session; (d) that religious instruction on a theistic basis be attempted in the upper secondary departments of schools as an experimental measure; and (e) that a suitable syllabus be drawn up.

149. The marvel about the recommendations of the committee is that they are as unphilosophical as they are unpractical. To confine myself to one or two criticisms, "prayers which are not likely to wound the religious susceptibilities of any class or community" can hardly be expected to rouse the religious

feelings of any child. Again, it is perplexing how children can be made "to concentrate their thoughts on God" even if it be only for two minutes. Even the medieval mystics conceded that a preliminary training was necessary for such a spiritual exercise.

150. Experience has proved all the world over that religious instruction can hardly pretend to transcend the stage of mere scripture-reading and catechism. It is no doubt a highly commended and conventional mode, in my opinion, of wasting the time of school children. It does not require deep reflection to convince any one who is at all conversant with the nature of religious truths that the imparting of them cannot be properly undertaken by or, even safely entrusted to public schools. I am not for a moment belittling the importance of religion in individual and social life. Religion is the foundation of our culture, the theme of inspired poetry and the basis of all inspired lives. But, it is something which we need not be taught by the school master. The fact is that true religion *cannot be taught by paid teachers* and by school methods. It must be left to the influence of the home and the example of those whom one naturally loves and reveres. The attempt at imparting religious instruction usually ends in diluting religion and divesting it of all those emotional characteristics which constitute its power and thus counteracting the influence of good homes; and, in a State like Cochin, it not seldom tends to deepen communal differences and social cleavages.

151. I do not see why any one who believes in the salutary influence of religion should despair because religion cannot be taught by school masters. The school is not the only factor in education; it is merely the *public* platform whence standardised secular knowledge is communicated to the young. The work of the school will be utterly unfinished if it is not supplemented by the influence of the 'home'. And, my contention is that religious instruction should be imparted in the home and through the precept and example of parents and the other members of the family. To transfer this responsibility to the school is to try to "stereotype the divine text" by hoping to produce a uniform type of human excellence by methods which are manifestly unsuitable and inadequate for the purpose. If some communities in the State refuse to accept modern education when it is not accompanied by religious instruction, let the leaders of such communities arrange for religious teaching in schools without compulsion or hindrance from Government. Government may, in exceptional circumstances, render financial assistance to any educational or religious association to arrange for the teaching of religion *in schools but outside school hours*.*

(d) THE EDUCATION OF THE "BACKWARD" CLASSES.

152. The education of the 'backward' and 'depressed' classes presents no problem which may be called special to Cochin. Their education is part of the work of "elevation", perhaps, the most important part of that work. But, the difficulties in the way of the educationist are not all such as can be solved by him. The main hindrance to the "uplift" of these classes even from an educational point of view is their extreme poverty. As a class they are "wage-earners"; and all the difficulties which dodge the path of the poor workers are found to hinder their educational progress.

153. The recent Census figures show that the progress of literacy among them has been very slow. But it is not so bad as is usually believed to be. Out of a total of 52,962 children of school age belonging to the backward classes more than 60 per cent are under instruction;** and, of the 14,504 children of the depressed classes over 47 per cent are attending schools though not quite regularly. The conventional remedy which suggests itself to one's mind is the introduction of compulsory education. This remedy which may sound theoretically excellent will be found to be very defective in operation. *Compulsion operates through penal sanctions on the parents*; but, my inquiry goes to show that the parents belonging to the backward and depressed communities are as a class very anxious to educate their children. This means that compulsion in their case is bound to be both superfluous and oppressive.

* This applies mainly to schools where children of different communities are taught.

**This is very satisfactory although there is still room for progress. Before long it may be possible to reduce the concessions given to backward classes and utilise this saving for enhanced concessions to the depressed classes.

"Concessions" rather than "compulsion" constitute the right remedy in this case. The Code provides the following educational concessions to children belonging to backward and depressed communities :—(a) Only half the standard rate of fees is levied in English schools from pupils belonging to the backward classes who are certified to be really poor, and no fee of any kind is charged to the depressed class pupils in these schools. (b) All the depressed class pupils studying in the lower secondary, upper secondary and college classes are given a stipend of Rs. 2, Rs. 3 and Rs. 10 per mensem respectively. (c) The following special scholarships are awarded to deserving pupils of the backward and depressed classes :—(1) One senior university scholarship of the monthly value of Rs. 8 for 2 years for the B. A. course in any of the colleges in the State; six junior university scholarships of Rs. 6 per mensem for two years for the intermediate course in any of the colleges in the State; 10 upper secondary scholarships of the monthly value of Rs. 3 for three years in the upper secondary classes and 25 lower secondary scholarships (out of which 6 are reserved exclusively for the depressed class pupils) of Rs. 2 per mensem for 3 years in the lower secondary classes, making allowance for the fee concessions granted to such pupils. The value of the senior university scholarship will be Rs. 20 for the Honours course in any of the colleges approved by Government and is tenable for three years. (2) Besides these concessions, the depressed class pupils are to be daily fed at Government expense supplied with clothing periodically and also books and other stationery articles. (3) The depressed class pupils studying in the college classes are exempted from the payment of the caution money due on joining the college hostel and are also given Rs. 30 each for meeting the initial expenses connected with the purchase of books, clothes, etc. They are also given the full fee concession.

154. The question, then, is whether these concessions should be increased in number and enhanced in amount. I see no reason for either at present except in the case of 'Kudumies' who may for some time be treated as one of the "depressed classes".* It is true that communities which had not taken advantage of the educational facilities afforded to them are coming forward and in all such cases the concessions enjoyed by similar classes must be extended to them. The "Kudumi Chetties" among the backward classes and the Pulayas among the depressed classes are a case in point. I have only three general observations to make in this connection. (1) The Department of "Uplift of the Depressed Classes" may be instructed to carry on a vigorous propaganda to educate the mind of the parents on the need for sending children to schools and the advantages which accrue to a child from education. (2) In the second place, the 'concessions' should be administered by the Protector through the media of the school boards and the expenditure debited to the "Uplift" budget. The Protector is bound to know the needs of the backward and depressed classes better than the Director and the funds at his disposal are the legitimate source of such organised philanthropy. (3) Lastly, it should be borne in mind by those who receive and those who bestow such special advantages that the ultimate aim of these educational concessions is to render them superfluous. The demand for fresh concessions is more often than not an indication that the concessions already granted are not fully utilised or utilised to the best advantage. These concessions are in the nature of organised charities, and it should be the aim of all those who have been so unfortunate as to have had to resort to them in their childhood to see that the rising generation of children may not be forced to fall back on them.

(e) MUSLIM EDUCATION.

155. Although but one among the "backward classes" the Muslims, in a sense, stand on a footing of their own. Social custom and religious belief play a very important part in their lives; and any system of education which ignores the influence of either is bound to fail. A very large section of the Muslim community in Cochin, particularly the Muslims of the Mukundapuram and Talappalli Taluks, with a few exceptions, are generally poor. In addition to

*Government should seriously consider whether it is right to maintain the same concessions and the same uniform rate of concessions for both the State and the Principality of Cranganur. Cranganur bears a highly disproportionate part of these concessions.

the social and religious disabilities, the disadvantages that result from poverty also militate against the spread of modern education among them.

156. The Superintendent of Census Operations observes in the course of his remarks on the slow progress of literacy among the Muslims that what is lacking in them to-day is just what was wanting in them a generation ago—"the bold resolve" to better their own condition. My experience of Muslim parents and pupils enables me to contradict this statement. In fact if there is any community in Cochin besides the Christians and the Ezhuvas to-day which is eagerly trying to better itself it is the Muslim community. Progress has certainly been not very rapid; but, at present out of a total of 14,504 children of school age more than 8,000 children are under instruction—i. e., more than 55 per cent. There is certainly room for improvement. But, what is lacking is certainly not initiative or leadership but the readiness to give up all at once the traditional mode and habits of life. Islam, unlike Hinduism or Christianity, has suffered few internal changes of a convulsive nature. Dissent is almost unknown. One can, therefore, appreciate the attitude which the average Muslim parent adopts towards all innovations; and from his point of view the present system of education is perhaps a marked innovation.

157. Another cause which has retarded the progress of Muslim education in Cochin and which I have already referred to is the general poverty of the Muslim community. Compulsion, I would again submit, is eminently unsuited to overcome the difficulties which the Muslims as a class feel. Active propaganda together with liberal concessions constitute the proper remedy. It must also be not forgotten that the Muslims are deeply religious in their own way and the easiest mode of weaning them from their ignorance is to appeal to them through their religion. Facilities for religious education must be provided in schools if Muslims are to be attracted in large numbers. At present only 55 per cent of Muslim children of school age are under instruction. No school which has no provision for the teaching of the Koran is likely to retain a Muslim pupil for any considerable time, and I would recommend that Government should reconstitute the Muslim Educational Committee into a regular and recognised body and place adequate funds at its disposal for providing facilities for religious instruction in all schools which have on their rolls a sufficient number of Muslim pupils. That is to say, in future the Muslim Educational Committee may be entrusted with the task of making its own arrangements for the teaching of Koran in schools, Government contributing liberally for this purpose. I should suggest an annual grant of Rs. 6,000 to the Muslim Educational Committee on this head. The Muslims already enjoy the following concessions in addition to those allowed to backward classes.

158. (1) All Muslim boys studying in the upper secondary and college classes are given monthly stipends at the rate of Rs. 3 and Rs. 6 per mensem, respectively. In the case of Muslim girls, the following stipends are given:—

- (a) Primary classes—8 as. per mensem.
- (b) Lower secondary classes—Rs. 3 per mensem
- (c) Upper secondary classes—Rs. 5 do
- (d) Junior university —Rs. 8 do
- (e) Senior do —Rs. 10 do

(2) They are also awarded the following special scholarships.

(a) One Senior University scholarship of Rs. 15 (for the Pass Degree course in a State college) or Rs. 20 (for the Honours course in any college.)

(b) One Aligarh University Scholarship of the monthly value of Rs. 30 tenable for four years to be awarded to School Final Certificate holders in alternate years.

159. Besides these they are also allowed the benefit of religious instruction by appointing Koran teachers and Arabic pandits wherever necessary and to this I would add special fee concessions and stipends in college classes. A special officer to superintend Muslim education is, in my opinion unnecessary. The Muslim Educational Committee may attend to this work also, and funds necessary for any special item of work may be placed at its disposal from time to time. The committee may be consulted on all matters

relating to Muslim education and all possible facilities afforded to the committee in its endeavours.

(f) NAMBUDIRI EDUCATION.

160. No one who has an intimate knowledge of the Nambudiries will subscribe to the view that is often advanced by the radicals among them that, as a class, they are uneducated just as no one in his proper senses would think the Japanese to be uneducated because a large majority of them know no European language. I am not defending the traditional system of education which the Nambudiries have followed for centuries and even which they are abandoning now. What I submit is that as a class the Nambudiries are "literate" and they do not stand to gain much by undergoing a course of vernacular primary education in our schools.

161. There is no doubt that Nambudiries have been very slow in taking to modern education. There are at present only 159 Nambudiri children under instruction in the schools and this figure represents, I need not add, less than 10 per cent of the Nambudiri children of school age. Statistics are not difficult to collect, but, they have very little to offer in the shape of a clue to overcome the hindrances to the spread of modern education among the Nambudiries.

162. In response to the wishes of some leaders among Nambudiries Government opened a special high school for Nambudiri children at Trichur in 1094 under the name of the "Nambudiri Vidyalayam"; but, the high school department was closed down in 1098. At present the Vidyalayam is only a lower secondary school for Nambudiries and this year girls too have been admitted. The strength according to the latest returns is 101. There is another school at Panjal—the Nambudiri Balika Vidyalayam which, also, is a mixed school. This is, however, a primary school and the strength is very poor.

163. The problem of Nambudiri education is one which is beset with many difficulties; at the same time it is one which deserves the sympathetic consideration of Government in that the Nambudiri children are placed under special disadvantages which are absent in the case of the other educationally 'backward' communities. In the case of the other backward communities I observed that the parents are anxious to give their children the benefits of modern education, but, were unable to do so due mainly to their economic condition. In the case of Nambudiri parents, even the *will* to educate their children on modern lines is generally absent. It is, therefore, necessary to inquire a little more closely into the causes which dispose parents in this way if we are to find suitable and sure remedies for the evil. The younger generation attributes this unwillingness of parents to sheer unthinking, conservative prejudice. This is an overstatement. The older members of the community complain that it is not possible to give their children modern school education without their forgoing the benefits of their traditional vedic studies* and without doing violence to their religious observances. This is to some extent true in the present condition of things; and, that is one reason why I recommend the establishment of a few special schools for them at select centres—schools which may confer on the pupils all the benefits of modern education and yet afford them every opportunity for vedic study and daily devotions. It is not unlikely that in course of time—and that before long—these schools may be rendered unnecessary when the period of transition is over; but, such schools are a necessary stage in this very process of transition. The pupils themselves must be made to realise that they are on the eve of a great transformation and that on their loyalty, purity of life and sincerity of purpose depends their bright future; that, while unnecessary delay is reprehensible, needless haste may wreck a great cause.

164. Some young Nambudiries with whom I discussed the matter urge the necessity for *compulsory* education. There is *prima facie* a case for compulsion; for, as I have already remarked, what is lacking in the parents in this case is the *will* and not the *means* to educate their children, and compulsion is

* Even now quite a number of the Nambudiri children attending schools belong to a section of the community which is not entitled to the study of the Vedas.

the most obvious and effective cure for such gross neglect of parental duty. There is, however, one serious difficulty. It is at any rate unusual to compel education beyond the *primary grade*; but, in the case of Nambudiri children *compulsory primary education is almost a superfluity*. Very few of them fail to receive in the usual course an education which is equal to that imparted in our elementary schools. Compulsory education, if it is to be of any advantage, will have to be applied to the secondary grade, and this to my mind is without any justification.

165. My suggestion, therefore, is again the grant of liberal concessions—concessions which will enable the children to carry on their education even if all ‘supplies’ are cut off from home.

(g) MEDICAL INSPECTION.

166. The need for frequent medical examination of school children is particularly great in a country like India the poverty of whose masses is successfully counteracting the efforts of educationists. Our school children in Cochin need very special care. Persistent ailments like Malaria and Hook-worm which gradually and almost imperceptibly undermine the health of children are quite common. The nature of our school buildings and the general scarcity of school furniture to which I have already referred have added to our troubles.

167. The main purpose of *medical inspection*, I take it, is to prepare the way for medical *treatment*; but, the present system of medical inspection is quite futile in that it makes hardly any provision for treatment. In spite of the strenuous efforts made by teachers to impress on parents the necessity for paying serious attention to the treatment of children who have been declared to suffer from diseases, very little heed is paid to such advice. The Education Department has neither the funds nor the facilities for giving medical aid to children who stand in need of it. There are at present three medical officers who conduct the medical inspection of school children. Government can realise what degree of individual attention these officers can pay to the examination of pupils. Diagnosis under such condition is bound to be hasty and erroneous in many cases. In the second place no arrangements are made to see that the children who are found to be diseased are properly treated and cared for.

168. I would call the attention of Government in this connection to another serious defect of the present system of medical inspection. The large majority of children remain outside the scope of medical inspection as these Medical Inspectors are to examine only children in secondary schools. I submit that the need for medical inspection is greater in the case of elementary schools. But, I can see no means of extending the scope of the present system to cover elementary schools.

169. One is struck by the utter futility of the whole arrangement; and the Chief Medical Officer himself under whose special province medical inspection falls suggested to me in May last that medical inspection may be totally abandoned. I could not agree to this; and I fear what I am going to propose may not be agreeable to him either.

170. If the system of decentralisation and the creation of local education authorities as suggested in this report meet with the approval of Government, I venture to propose that the Municipalities may be asked to conduct the medical inspection of the children attending schools in urban areas by the Municipal Health Officer and the school boards be authorised to appoint Ayurvedic Physicians under them to attend to the medical examination and treatment of children in rural schools. In regard to schools situated in towns which have no Municipalities the local Assistant Surgeon may be ordered to conduct the medical examination and treatment of school children and the present Medical Inspectors disbanded. I am aware this is not an ideal arrangement; but, I can think of nothing better in the present state of our finances.

(h) VOCATIONAL EDUCATION.

171. Vocational education is older than literary education. From the dawn of social existence the apprenticing of the child to some useful occupation was the only means of ensuring for it the means of subsistence. But, till very recently, in fact till the State began to own that it had some measure of responsibility

to provide its citizens with the equipment and opportunities for work, vocational education was wholly confined to the apprenticing of children under the supervision of the head of the household to the trade or occupation which had been followed by its ancestors. In Cochin, as in the rest of India, where the caste system not only formulated social distinctions but also defined economic functions the child knew no freedom in the choice of an occupation. With the growth of education and the rise of the Civil Services offering careers to all young men of talent irrespective of caste, the old barriers gradually broke down and the restriction of any kind of occupation to any particular class in society tended slowly to disappear. But, in place of the old caste-determinations of crafts there gradually arose a class of people—almost a new caste distinguished not by heredity or race but by occupation. I refer to the caste of "public servants". It soon became the ambition of parents to win for their children a place in this new caste which was fairly prosperous in the beginning and not very difficult to enter. But with the over-crowding of this profession and the older learned professions, the education which served to turn out 'clerks' fell more and more into disfavour, and once more a truer perspective of the value of life and of education began to dawn. It was felt that education was beginning to be futile even as a "bread-winner" and that, a return to manual labour, if less dignified than before, was more imperative in view of the extreme difficulties which people had to face in the struggle for existence.

172. Vocational education was seized as a means of escape. If the un-theoretical apprenticing of a boy by his parent could enable him to carry on a trade or craft fairly successfully, the scientific instruction of pupils in the principles and practice of any craft ought to render them fit for at least earning a modest living. The State which had undertaken earlier the duty of imparting literary education was again appealed to, and it accepted the new task which was thus laid on it. The "Industry School" in England dates from the time of Joseph Lancaster and Mrs. Trimmer who advocated the teaching of vocations, particularly to girls. In Cochin the first industrial school under Government management was started in 1910 when the Dandayudhapani Technical Institution was taken over by the Sirkar. The new experiment was found successful on the limited scale on which it was tried, and rapidly new industrial schools were opened year after year. Even private agencies came forward to share the burden, and to-day there are in the State 43 schools—two Government Trades Schools, one Girls' Industrial School and 21 Rural Industrial Schools under Government management and 19 Rural Industrial Schools owned and managed by private agencies. The total cost of industrial education came to Rs. 1,19,372—9—4 in 1907 and it is expected to be Rs. 1,14,400 this year.

173. To the casual outside observer everything seems to be going on splendidly, but to me who knows the actual condition of working of the industrial schools quite a different aspect of things is revealed.

174. (1) The enrolment of our industrial schools gives an altogether exaggerated notion of the practical common sense of the public which prefers the useful to the 'high-sounding' and sends its children in such large numbers to its industrial schools rather than to its secondary schools. The fact is these children have been drawn to the industrial schools in the past by the financial inducements offered by Government in the shape of *stipends for all*. That it is these stipends which keep these children in the industrial schools is proved by the fact that even a lowering of the amount of stipends affects the strength of these schools. In other words, there is not even now any general awakening as to the value of vocational education, and if we abolish our stipends we may also have to abolish a good many of the industrial schools also.

(2) I do not for a moment contend that the apathy is to be ascribed wholly to any want of intelligence or perspective on the part of the public. The kind and quality of education that is being imparted through these industrial schools are also largely responsible. Far from training up young people to any useful industry, many of the industrial schools impart instruction in industries which have but a limited "bread-winning" value, or have no chance of being followed except in certain special areas. In other words our industrial education suffers both (1) from want of concentration and (2) for want of specialisation.

175. (1) Want of intensive teaching will be evident to any one who enters the school even for the first time. In fact the teacher simply stands by the loom or the working bench and gives, when forced by the blunders of his pupils, a few practical hints. Even the most practical of handicrafts requires some theoretical knowledge of the structure and selection of materials, of the rudiments of calculation and of a fair knowledge of drawing and design. Most of our present instructors are themselves ignorant of this rudimentary knowledge and are therefore unable to impart it. Recently when two teachers from our Rural Industrial Schools—one a Headmaster—were sent to the Textile Institute, Madras, for further training the Director of Industries remarked that these persons were not fit to be placed in the senior class and must start from the beginning along with freshers. A better kind of instruction will come only with a better class of instructors with a better scale of pay. This is the first point requiring immediate attention.

(2) The specialisation I refer to is not in respect of pupils but in regard to schools. As far as pupils are concerned they need less specialisation than at present. All these industrial schools practically carry on the same work and teach identical industries. Weaving and mat-making are universal. In some parts of Cochin the grass needed for mats is not available and have to be bought at a high price. It must be obvious that in such a centre mat-making has little chance of being carried on by any considerable section of artisans who can afford to expend little more than their labour on the collection of raw materials. Weaving may be carried on in all schools as cotton has in any case and everywhere in Cochin to be bought, and the output of manufactured articles can never be in excess of actual demand. In remodeling these schools one essential to be borne in mind is the natural distribution of raw materials over the State and the consequent localisation of industries. Obviously it is of very little use to teach the boys of the Chittur Taluk any industry connected with cocconut fibre while it would be an equally obvious omission if it is not taught in the Rural Industrial Schools at Veliyanad and Cranganur.

(3) Again, there is no standardisation in the industrial education given in our schools. Strict rules prescribing courses and periods of study have to be laid down, and examinations made more strict and frequent. In this connection I would point out that a four years' course is all that is needed in any of the major industries; any extension of time is bound to be wasted. At present a pupil takes up only one subject for instruction. This is insufficient and I suggest that in future there should be a grouping of subjects into "main" and "subsidiary" and a pupil should select one from each group.

(4) It is strange that agriculture which is our staple industry finds no place in the curriculum. This omission has to be rectified and agriculture introduced into both groups so that a boy may study it either as his "main" occupation or as a "subsidiary" one.*

176. I may conclude this section with a few extracts from one of my letters (C. No. 5939/07, dated 7th March 1932) to Government on this subject of vocational education.

"No topic could be more opportune at the present moment than that of vocational education. Discussions about the need for, and advisability of compulsory elementary education belong to the closing years of the 19th and the first decade of the 20th centuries; and even their echoes have died out in most countries where compulsion had been adopted and adopted with success. That "Education" should not be "sold" in a country where "vaccination is given" is a principle now accepted by all civilised Governments which consider the education of their citizens as one of their primary, ministrant functions. The growth of self-consciousness among the working classes has strengthened the conviction that elementary education is one of the elementary rights of modern citizenship; and, as a result of this conviction national expenditure on primary education has in recent years gone up by leaps and bounds.

* For a fuller account of the changes proposed in the courses of curricula of studies, please see Appendix No. XI.

"But these are all achievements that properly belong to the past, or, at any rate which can be safely left to work themselves out; the one outstanding problem of the present day is the problem of vocational education. Elementary education will not and is not intended to lead children to any definite "careers"; and, as long as Government could safely ignore the cry of the "right to work" the problem of vocational education could be left wholly to private agency which is one way of postponing State-action. Apart from the merits of the controversy about the duty of the State to find work for all, it has come to be conceded by most Governments that it is at least one of their secondary duties to provide the means of educating the young for some useful vocation in life. Labour is coming to be recognised as a "national" asset and it will be inconsistent with this conviction if the State stood apart and did nothing to improve the quality of this asset and brighten the lives of those who supply it.

"The colossal increase in the volume of unemployment, particularly in this country, appears to be the result of a maladjustment in the sphere of the supply and demand for skilled labour. While millions of young men with a sufficiency of literary education are going from door to door in search of work, many industries, particularly, cottage industries are tending to die out for want of an adequate supply of skilled labour. There appears to be a *prima facie* case for greater attention to be paid to the training of industrial workers. To direct to some useful career the hourly increasing volume of the school-going population that is now 'drifting' from elementary to secondary schools is an immediate national necessity the urgency of which cannot be overestimated...."

(i) SPECIAL SCHOOLS.

177. The case of special types of schools deserves special and separate consideration. I refer only to three of these here.

178. (1) *Sanskrit Schools*.—There are at present 13 sanskrit schools, which are distributed as follows:—

Name of Taluk	Number
1. Cochin-Kanayannur	6*
2. Mukundapuram	1
3. Trichur	3
4. Talappalli	1
5. Chittur	2'

The total expenditure by the Government on Sanskrit education apart from what is incidentally given to the ordinary secondary schools comes to Rs. 8,610 per annum. Considering the intimate relation which Sanskrit bears to Malayalam and to the general basis of our whole culture, I am constrained to remark that the attention that is at present paid to sanskrit schools is very meagre. These schools, if properly organised, are in my opinion the most suitable training ground for our elementary school teachers, and for this reason (if for no other) Government should in future devote greater attention and larger sums to the maintenance of these schools. If Government approve of my views in this matter, I shall submit a detailed scheme for placing our sanskrit schools on a satisfactory basis.

(2) *School of Music and Painting*.—I have already reported to Government on the need for such a special institution (please see my letters, dated 17th January 1932 and 10th February 1932, C. 5465/1107, Huzur D. Dis. 8617/1107 and D.3 9956/1107) and I have nothing to add here except that this need is urgent in that it affects the quality of the specialists working in our schools.

(3) It is strange that so far we have made no provision in our State for the education of our blind, deaf and mute children**. It has not been possible to collect exhaustive statistics of such unfortunate little ones; but, more than sixty

* Please see Appendix XII.

** We are now giving a stipend of Rs. 6 per mensem tenable for 3 years to two of such children studying at Palamcottah.

parents have communicated to me their unhappy lot. We are doing quite a lot for the 'backward' and the 'depressed', and I earnestly hope that Government may be pleased to sanction a separate section of the Training Institution for the education of defective children. A few teachers may be sent to Palamcottah and got trained for this work, and a beginning made without delay to brighten the lives of those to whom nature has denied even the rudimentary rights of all living creation.

XII. CONCLUSION.

179. The main object of the Educational Survey, I trust, will be found to have been fulfilled by this report which I must, however, own leaves much to be desired. But, the main findings and the conclusions based on them will be found to be substantially accurate. There is ample ground for dissatisfaction with the present system of education; but there is not much foundation for the belief so commonly held that we have far too many schools. Some schools are unnecessary and they have either been abolished during the survey or are proposed to be abolished as a result of it. But, their number is not large. There is not much need for re-distribution of schools although a few have been recommended for amalgamation. If the recommendations of the survey are carried out we shall be left with 514 primary schools and 97 secondary ones which means that in the aggregate we shall have a school for every 2½ square miles or one for every 1½ square mile of inhabited area. In the main I have recommended that the closing of other schools of doubtful utility and the opening of new ones may be left to the decision of local public opinion to be ascertained through the local education authorities, so that the results of the survey will be complete only when these local bodies have worked for some time. Drastic changes have been proposed in the organisation of education, particularly of elementary education with a view to take the people into confidence and to hand over elementary education to popular bodies. The abolition of some of the schools and the changes proposed in the system of grants-in-aid will result in annual savings amounting to about Rs. 1,50,000 besides permanently placing on a friendly basis the relations between the Education Department and private educational agencies. The decentralisation of powers and responsibility to local education authorities will help to stabilise expenditure on education, at least for many years to come. The savings which will be rendered possible by the reforms advocated in the foregoing pages are not meant to be hoarded but spent on the numerous items of improvement which have been found to be necessary such as the provision of better school buildings and equipment, of facilities for physical exercise and recreation, for adult education and a more efficient and comprehensive system of medical inspection.

180. The creation of a more numerous body of Inspecting Officers is proposed together with some retrenchments in the higher grades so that more efficient inspection and more frequent visits to schools by the officers of the department may be possible. An Inspection Code defining the powers and responsibilities of the several grades of Inspecting Officers and a revised and up-to-date edition of the Education Code are appended.

181. I feel that my responsibility is very great in placing this report before Government. Every endeavour has been made to make as accurate a collection of data as possible and to spend protracted thought over their meaning. But, there is room for error, for small errors of fact and serious errors of judgment; and I would earnestly request Government to get this report closely examined before they take any action to give effect to all or any of the recommendations I have made. I would suggest the appointment of a committee with a suitable personnel.

182. I may be permitted to conclude this report with my sincere acknowledgment of the deep debt of gratitude I owe to Government for their unfailing sympathy and generous support throughout the whole course of this inquiry and to the public and the officers of the department for their loyal co-operation.

I have the honour to be,

Sir,

Your most obedient servant,

I. N. MENON,

Director.

APPENDIX I.

List of schools newly opened in

Serial No	Name of Schools	Remarks
1106.		
1	Sanskrit School, Chottanikkara	
2	Do Kanimangalam	
3	Nambudiri Balika Vidyalayam, Panjal	
4	Oda's School, Urakam	
5	Malayalam School, Thrikkannaya	
6	Pulaya Night School, Poopathy	
7	St. Antony's Night School, Mullurkara	
1107.		
1	Nayar Samajam Lower Primary School, Nayarangady	
2	K. V. N. S. Puthusseri	
List of Schools abolished in		
1106.		
1	A V P E S Vythala	
2	Y M C A Nayadi School, Kaniampal	
3	G P V School, Kadangode	
4	Aided School, Chembuchira	
5	S S Araya N S Pallippuram	
6	S T M N S Puthiyedom	
7	St. George's N S Kadungamangalam	
8	Night School, Kanayannur	
9	Do Kanjiramittom	
10	Do Chethicode	
11	Do Vadavucode	
12	Do Chembuchira	
13	Do Annanad	
14	Do Koratty	
15	St. Antony's Night School, Koratty	
16	S N V N S Padiyur	
17	Night School, Pandinjattumuri	
18	Do Olarikkara	
19	Do Thiruvanikkavu	
20	Do Karamuck	
21	Do Kizhipillikara	
22	St. Joseph's Night School, Ollur	
23	Night School, Kuttallur	
24	S V N S Erinjipra	
25	B V N S Kandanasseri	
26	S A M N S Keecheri	
27	N S Vellattanjur	
28	D V N S Velloor	
29	Pulaya Night School, Tattamangalam	
30	Night School, Ayalur	
1107.		
1	Holy Cross School, Venduruthy	Amalgamated with St. Peter's School, Venduruthy
2	St. Mary's School, Ambakad	The school was found unnecessary
3	Aided School, Olarikkara	Converted into a Sirkar school
4	St. Lazar's School, Kadangode	Not necessary
5	B B Sabha School, Padinjattumuri	do
6	St. Thomas N S Malayattur	
7	Night School, Kadappuram	
8	Do Cheranellur	
9	S V N S Ernakulam	

Serial No.	Name of Schools	Remarks
1107—cont		
10	S J V N S Narakkal	
11	N S Panangad	
12	Night School, Karanakodam	
13	Do Thekkumbhagam	
14	Do Vanmcethy	
15	Do Arakunnam	
16	Do Parappacode	
17	Do Varanthrapilly	
18	Do Trikkur	
19	Do Nandikara	
20	Do Mattathur	
21	Do Karukulangara	
22	Do Matayikkonam	
23	S H Night School, Kallettumkara	
24	Night School, Vallivattam	
25	Do Poolany	
26	Do Valoor	
27	S H Night School, Koratty	
28	Pulaya Night School, Poyya	
29	Night School for Adults, Mala	
30	St. Antony's N S Puliyilakkunnu	
31	Night School, Porathuparamba	
32	Do Thazhakad	
33	Do Meladoor	
34	Do Muppliyam	
35	Do Chengalur	
36	Do Varadium	
37	Do Ambakad	
38	Islam Night School, Kokkalai	
39	Night School, Nedupuzha	
40	Gokhale Memorial Night School, Trichur	
41	Tharakan's Night School, Aranattukara	
42	Night School, Manalur	
43	Do Anthikad	
44	Do Inchamudy	
45	Do Peringottukara	
46	Do Pullu	
47	Do Ettumuna	
48	Do Arattupuzha	
49	Do Payyur	
50	St. Joseph's N S Aloor	
51	Night School, Vellarkad	
52	Samajam Night School, Mangad	
53	Pulaya Night School, Padinjattumuri	
54	A U N S Chittanda	
55	P N S Kanjiracode	
56	St. Antony's N S Mullurkara	
57	Night School, Pynkulam	
58	Do Mayannur	
59	Do Kuthampully	
60	Do Pampady	
61	Do Perimpilavu	
62	T M N S Cranganur	
63	D C N S Lokamaleswaram	
64	Night School, Kattur	

APPENDIX II.

Number of Schools in the State. (Taluk-war with children under instruction.)

Serial No.	Name of the Taluk	High Schools			Lower Secondary Schools			English Primary Schools			Vernacular Primary Schools			Grand Total			Children under instruction	Remarks
		Sirkar	Private	Total	Sirkar	Private	Total	Sirkar	Private	Total	Sirkar	Private	Total	Sirkar	Private	Total		
1	Cochin-Kanayannur ..	6	11	17	2	18	20	4	3	7	27	151	178	39	183	222	49,958	
2	Cranganur ..	2	..	2	1	..	1	..	..	..	6	7	13	9	7	16	4,940	
3	Mukundapuram ...	3	2	5	2	7	9	..	1	1	34	78	112	39	88	127	28,446	
4	Trichur ...	5	5	10	1	14	15	4	2	6	27	66	93	37	87	124	31,686	
5	Talappalli ..	5	1	6	3	5	8	1	1	2	13	83	96	22	90	112	19,776	
6	Chittur ..	3	..	3	2	1	3	..	2	2	17	12	29	22	15	37	6,950	
	Total ...	24	19	43	11	45	56	9	9	18	124	397	521	168	470	638	1,41,756	

APPENDIX III.

List of Villages, population and No. of schools *in

Serial No.	Name of the Village	Population	No. of schools	Remarks
COCHIN-KANAYANNUR TALUK.				
1	Malayattur	2,497	2	
2	Kizhakkumbhagam	3,228	1	
3	Thekkumbhagam	3,114	2	
4	Vadakkumbhagam	3,832	5	
5	Chowerah	4,261	3	
6	Cheranellur	12,582	10	
7	Ernakulam	38,456	22	
8	Elankulam	11,840	8	
9	Vadavukode	816	1	
10	Kumbalam	10,560	7	
11	Maradu	9,940	6	
12	Poonithura	9,388	5	
13	Thekkumbhagam	3,717	3	
14	Nadamel	8,647	5	
15	Thiruvankulam	6,012	5	
16	Kurikad	2,420	3	
17	Kanayannur	2,640	4	
18	Mulanthuruthy	8,660	7	
19	Amballur	4,909	8	
20	Edakkatuvayal	4,603	5	
21	Kaippattur	2,192	2	
22	Kulayettikara	1,204	..	
23	Keechery	2,307	1	
24	Chennamangalam	15,570	12	
25	Pallipuram	13,696	10	
26	Kuzhuppilly	5,480	4	
27	Edavanakkad	8,901	7	
28	Nayarambalam	6,736	9	
29	Kadamakudi	5,733	6	
30	Narakkal	12,530	5	
31	Elankunnapuzha	15,542	12	
32	Mulavukad	9,559	5	
33	Mattancheri	39,645	8	
34	Palluruthy	14,316	10	
35	Kumbalanghy	16,374	10	
36	Chellanam	5,568	4	
37	Chidambaram	10,912	5	
CRANGANUR TALUK.				
1	Pullut	4,450	2	
2	Lokamaleswaram	10,054	5	
3	Methala	11,598	6	
4	Eriyad	9,838	1	
5	Azhicode	6,339	2	
MUKUNDAPURAM TALUK				
1	Varandrappilli	4,895	1	
2	Kallur	2,557	..	
3	Trikkur	4,065	3	
4	Nammanikkara	4,732	1	
5	Amballur	7,638	2	
6	Thorava	3,909	3	
7	Chengalur	3,882	1	
8	Nandipulam	2,728	1	
9	Muppiliyam	2,139	2	
10	Mattathur	9,485	4	
11	Kodakara	9,032	2	
12	Nellayi	3,257	..	
13	Parappukara	4,764	2	
14	Anandapuram	2,059	1	
15	Madayikonam	3,590	1	
16	Thottipal	3,155	..	
17	Porathisseri	5,360	2	
18	Karalam	5,984	4	
19	Kattur	6,921	3	

*Literary schools excluding Sanskrit schools and colleges are included.

Serial No.	Name of the Village	Population	No. of schools	Remarks
MUKUNDAPURAM TALUK. (cont.)				
20	Edathirinji	4,010		
21	Manavalasseri	5,089	2	
22	Irinjalakkuda	12,093	5	
23	Pullur	3,977	2	
24	Muriyad	2,081	1	
25	Kallettinkara	2,336	1	
26	Kaduppasseri	3,064	2	
27	Velookara	3,177	2	
28	Poomangalam	4,911	3	
29	Padiyur	3,767	2	
30	Vallivattam	3,616	1	
31	Thekkumkara	4,535	2	
32	Vadakkumkara	2,982		
33	Kottanellur	4,182	4	
34	Thazhakad	4,372	1	
35	Alur	6,301	4	
36	Perambra	2,852		
37	Potta	2,549		
38	Elinjippara	1,656	1	
39	Kodasseri	4,010	1	
40	Pariyaram	7,291	7	
41	Melur	7,283	2	
42	Muringur-(Vadakkummuri)	1,712	1	
43	Kizbekke Chalakkudy	7,497	5	
44	Padinjara Chalakkudy	2,506	2	
45	Annallur	2,439	1	
46	Vadakkumbhagam	2,733		
47	Kallur-Vadakkummuri	8,116	9	
48	Muringur-Tekkummuri	3,152		
49	Kizhakkummuri	4,050	3	
50	Kallur-Thekkummuri	6,447	6	
51	Alathur	4,997	2	
52	Kuruvilasseri	2,624		
53	Kakkulisseri	3,727	1	
54	Thirumukkulam	4,163	1	
55	Madathumpady	1,184	1	
56	Poyya	3,908	4	
57	Vadama	4,620	6	
58	Pallipuram	2,104	1	
59	Karumathara	1,128	1	
60	Edavilangu	6,952	3	
	Reserve Forests	802	2	
TRICHUR TALUK.				
1	Kaiparamba	1,812		
2	Anjur	2,883	2	
3	Avanur	1,689	1	
4	Thangalur	1,301	1	
5	Velappaya	1,224	1	
6	Choolissery	1,537		
7	Peramangalam	3,271	1	
8	Edaka,athur	2,103	1	
9	Thour	1,617	2	
10	Chittalapilli	1,562	1	
11	Chalakkal	1,505		
12	Adat	1,441	1	
13	Poranattukara	1,819	2	
14	Puzhakkal	2,379	1	
15	Kuttur	2,913	1	
16	Pottor	1,855	1	
17	Kolazhi	2,167	1	
18	Killannur	2,852	2	
19	Kurichikkara	801		
20	Vilvattam	3,701	1	
21	Viyyur	2,995	2	
22	Peringavu	486		
23	Trichur			
24	Poonkunnam	45,702	28	

Serial No.	Name of the Village	Population	No. of schools	Remarks
TRICHUR TALUK.- (cont.)				
25	Ayyanthole	8,903	1	
26	Pulali	2,465	1	
27	Aranattukara	3,082	3	
28	Koorkancheri	1,475	4	
29	Chivvaram	4,349	1	
30	Kanimangalam	3,815	1	
31	Manakkodi	1,582	..	
32	Veluthur	1,852	..	
33	Parakkad	1,731	2	
34	Eravu	1,343	1	
35	Manalur	8,855	3	
36	Karamuck	7,059	4	
37	Padiyam	5,872	1	
38	Anthikad	4,718	3	
39	Vadakkummuri	5,254	1	
40	Kizhakkummuri	2,132	1	
41	Thaniyam	3,530	2	
42	Kizhupallikkara	2,488	1	
43	Kurumpilavu	5,309	2	
44	Chazhur	2,500	3	
45	Pullu	427	1	
46	Alapat	2,178	1	
47	Inchamudi	1,635	..*	
48	Cherpu	3,877	2	
49	Paralom	2,912	2	
50	Pallipuram	1,011	1	
51	Kodannur	2,078	1	
52	Venkinissery	1,264	..	
53	Palissery	2,104	1	
54	Avinissery	3,203	1	
55	Chevur	4,729	3	
56	Urakam	5,542	6	
57	Arattupuzha	2,548	3	
58	Vallachira	3,754	1	
59	Edakkunsi	4,479	1	
60	Ollur	6,707	4	
61	Nadathara	2,987	1	
62	Marathakkara	2,987	1	
63	Mannamangalam	91	..	
64	Puthur	2,660	1	
65	Kainur	903	1	
66	Mulayam	620	..	
67	Kozhukully	2,292	1	
68	Ollukkara	4,913	1	
69	Nettisseri	2,520	2	
70	Vellanikkara	1,064	1	
71	Madakkathara	2,041	1	
72	Pananchery	3,366	1	
TALAPPALLI TALUK.				
1	Kattakampal	5,074	2	
2	Palanji	5,685	4	
3	Kadavallur	3,959	2	
4	Perimpilavu	2,862	1	
5	Akathiyoor	1,444	..	
6	Karikkad	2,647	1	
7	Porkkolam	2,522	1	
8	Mangad	1,534	2	
9	Anjoor	3,350	2	
10	Kunnamkulam	13,626	12	
11	Kampappayur	2,574	1	
12	Arthat	2,153	2	
13	Kandanasseri	4,636	2	
14	Alur	3,926	6	
5	Eranallur	2,745	2	

*N. S. Inchamudi was abolished recently.

Serial No.	Name of the Village	Population	No. of schools	Remarks
TALAPPALLI TALUK.—(cont).				
16	Choondal	4,304	2	
17	Chemmanthatta	2,295	3	
18	Chowwanner	3,500	2	
19	Chiramanangad	2,756	1	
20	Eyyal	1,969	2	
21	Vellarkad	1,855	1	
22	Kadangode	2,185	1	
23	Kariyannur	2,534	2	
24	Vellattanjur	2,516	2	
25	Chiranelur	2,706	1	
26	Velloor	4,010	4	
27	Thayyur	2,534	1	
28	Nelluvaya	2,382	1	
29	Thichur	2,129	1	
30	Arangottukara	1,087	..	
31	Thalasseri	680	..	
32	Varavoor	2,982	2	
33	Pulakkad	1,248	..	
34	Kottapparam	2,376	..	
35	Puduviruthi	1,719	..	
36	Mundathikkode	1,801	..	
37	Kilalur	778	..	
38	Petingandur	1,891	..	
39	Mnalur	1,264	..	
40	Parikkad	1,635	1	
41	Vadakkancheri	7,704	4	
42	Cnittanda	2,640	2	
43	Kanjirakode	1,316	1	
44	Kumaranellur	642	1	
45	Enkakad	2,189	1	
46	Thekkumkara	2,521	3	
47	Manalithara	1,217	..	
48	Viruppakka	627	..	
49	Karumathara	970	..	
50	Attor	1,758	..	
51	Mullurkara	3,790	1	
52	Nedumpura	3,603	..	
53	Desamangalam	2,739	1	
54	Paliur	2,440	..	
55	Cheruviruthi	3,533	1	
56	Panjal	1,786	2	
57	Pynkulam	3,553	2	
58	Venganellur	3,277	..	
59	Killimangalam	2,976	1	
60	Thonukara	2,527	1	
61	Chelakkasa	3,874	4	
62	Kurumala	1,032	1	
63	Pangarappilli	947	..	
64	Elanad	2,262	1	
65	Vennur	773	1	
66	Pulakkode	1,471	1	
67	Palayannur	5,203	2	
68	Vadakkethara	3,219	7	
69	Chelakod	1,400	2	
70	Kondali	3,169	1	
71	Mayannur	2,942	1	
72	Kaniyarkode	5,695	5	
73	Thiruvilluamala	4,884	3	
74	Pampady	1,481	1	

Serial No.	Name of the Village	Population	No. of schools	Remarks
CHITTUR TALUK.				
1	Eravattapparapadi	1,945	1	Very close to Chittur and Tattamangalam.
2	Thenampadi	969	...	
3	Ozhalapadi	2,847	2	
4	Attempadi	524	...	
5	Vadakarapadi	3,946	...	
6	Kolinjampara	5,886	3	
7	Manchikunnampadi	1,750	...	
8	Eruthempadi	2,898	2	
9	Kolippadi	2,510	1	
10	Valiavallampadi	3,651	...	
11	Nalleppilli	8,842	3	
12	Thekedesam	3,209	...	
13	Kuttipallam	892	...	
14	Kunnamkattupadi	347	...	
15	Moolathara	1,644	2	
16	Perumatti *	6,822	...	
17	Chittur	25,376	6	
18	Tattamangalam		5	
19	Pattancheri	7,243	2	
20	Aylur	5,264	2	
21	Kairady	1,479	2	
22	Thiruvazhiyad	2,563	2	
23	Nemmara	9,582	5	
24	Pothundy	270	...	
25	Vallanghi	3,989	2	

APPENDIX IV.

Serial No.	Name of school	Nature of school building	Remarks
1	Paliyam High School, Chennamangalam	...	Incomplete. Needs improvement
2	St. Sebastian's High School, Gothuruthi	..	Insufficient and unsatisfactory
3	Rama Varma Union High School, Cherai	..	Needs extensions
4	L. M. C. Girls' High School, Chathiath	..	Fair
5	St. Albert's High School, Ernakulam	...	Good
6	St. Teresa's Convent Girls' High School, Ernakulam	..	Fair
7	S. H. High School, Chenganad	..	Fair
8	T. D. High School, Cochin	..	Very unsatisfactory
9	Mangayil High School, Maradu	.	Fair
10	St. Sebastian's High School, Palliviruthi	..	Needs more space
11	St. Peter's High School, Kumbalangi	...	Unsatisfactory and insufficient
12	Pompei St. Mary's High School, Kattur	...	Fair for present needs
13	S. H. Convent Girls' High School, Chalakkudi	...	Fair
14	St. Thomas' High School, Trichur	..	Fair
15	C. M. S. High School, Trichur	.	Good
16	Vivekodayam High School, Trichur	..	Needs improvement in minor details
17	S. H. Convent Girls' High School, Trichur	...	Fair
18	C. N. N. High School, Cherpu	...	Good
19	D. V. High School, Velloor	..	Needs more space

APPENDIX IV—(cont).

Serial No.	Name of school	Nature of school building	Remarks
1	High School, Ernakulam	Sirkar	The existing building is far from satisfactory, but it is going to be shifted to a new building
2	Girls' High School, Ernakulam	do	Good. More accommodation may be required as the school is growing rapidly
3	High School, Narakkal	Handed over to Government by a Committee	Accommodation is insufficient, but otherwise it is fair
4	Do Trippunittura	Sirkar	Fair
5	Girls' High School, Trippunittura	do	Fair
6	High School, Mulanthuruthy	Handed over to Government by the management	Accommodation quite insufficient and buildings scattered and unsuitable
7	High School, Chalakkudi	Building for the High School classes given free by the public	Very fair
8	Girls' High School, Irinjakkuda	Sirkar	Good, but needs more accommodation
9	High School, Irinjakkuda	do	Good
10	High School, Trichur	do	Fair. Needs alterations
11	V. G. School, Trichur	do	Needs extension and outright repair
12	High School, Kandasankadavu	do	Needs extension. Ground-space is insufficient
13	High School, Peringottukara	Two sheds surrendered to Sirkar. The rest put up by Sirkar	Insufficient and unsatisfactory
14	High School, Ollur	Rented	Unsatisfactory
15	High School, Kunnankulam	Sirkar	Fair. Needs slight alterations
16	Girls' High School, Kunnankulam	Two buildings given free to the Government	Fair
17	High School, Vadakkancheri	Sirkar	Insufficient in extent and unsatisfactory
18	High School, Chelakara	do	Needs far more space
19	High School, Thiruvilluamala	Surrendered to Government by the public	Needs improvements and minor alteration
20	High School, Chittur	Purchased by the Sirkar	Needs extension
21	V. G. School, Chittur	Sirkar	Good
22	High School, Nemmara	do	Fair. Needs more space
23	High School, Cranganur	do	Fair
24	Girls' High School, Cranganur	do	Fair

APPENDIX V.
Classified strength of Literary Teachers.

No.	Qualifications	Trained			Untrained			Grand Total		
		Males	Females	Total	Males	Females	Total	Males	Females	Total
1	Graduates	152	38	190	209	21	230	361	59	420
2	Undergraduates	82	14	96	43	16	59	125	30	155
3	School Finals	541	156	697	519	131	650	1,060	287	1,347
4	Unpassed hands	963	229	1,192	584	100	684	1,547	329	1,876
	Total	1,738	437	2,175	1,355	268	1,623	3,093	705	3,798

APPENDIX VI.

**Proceedings of the Government of Her Highness the Maha Rani Regent
of Travancore.**

Read again:—

1. Rules defining the duties and powers of the Director of Public Instruction, dated the 28th February 1909, and subsequent amendments.

2. G. O. No. E. 1253, dated the 24th June 1912, regarding devolution of powers on the officers of the Education Department.

Read also:—

3. Letter No. 508, dated 11th January 1926, from the Secretary to Government, on special duty.

4. D. O. No. 1176/1103, dated the 8th August 1927, and its enclosures, from Mr. J. Stephenson, Director of Public Instruction.

5. D. O. No. S. 12, dated the 23rd October 1930, with its enclosures, from Mr. E. G. McAlpine, Director of Public Instruction.

Order R. Dis. No. 1011 of 31/Edn., dated Trivandrum, 10th August 1931.

Government have considered the proposals of the Secretary to Government on special duty relating to the delegation of administrative and disciplinary powers to the officers of the Education Department, and the further letters from the Director of Public Instruction on the subject, and they have resolved to sanction the following revised powers to these officers.

Administrative Powers.

1. The Director of Public Instruction.

It shall be competent to the Director:—

1. to sanction grants within the limits of the budget provision and in accordance with the Education Code:—

(i) Under rule 146 (a), (b) and (c) to all Educational Institutions except Colleges;

(ii) Under Rule 146 (d) to all Educational Institutions except Colleges, not exceeding Rs. 2,500 in each case.

Note—Grants under Rule 146 (c) for the erection or extension of hostels shall be sanctioned only by Government;

(iii) Under Rule 146 (f), (g) and (h).

2. to sanction maintenance grants to hostels and Orphanages in accordance with the rules laid down by Government.

3. to withdraw temporarily or permanently, wholly or partly, any grant-in-aid, provided, however, firstly, that in the case of High Schools, no grant shall be withdrawn, either wholly or partly, either permanently or for a period exceeding six months, except with the previous approval of the Government, and secondly, that no grant shall be permanently withdrawn, either wholly or partly, except after obtaining and considering the explanation of the manager;

in the case of withdrawal of grants an appeal shall lie to the Government against the order of the Director if preferred within 30 days from the receipt of notice or copy of the order;

4. to select teachers in the department for training in (a) the Training College and (b) The English Training Schools;

5. to prescribe Christmas or Onam holidays for schools;
6. to appoint Superintendents, Examiners, and Question paper setters, for all examinations under his control, and to cancel any such appointment. The power of appointment of the Common Board of Examiners and the Chief Examiners for the School Leaving Certificate Examinations, English and Vernacular, and the Vernacular Higher Examination will, however, rest with the Government;
7. to incur all contingent expenditure in connection with the conduct of the public examinations of the department subject to any rates which may be prescribed from time to time by the Government;
8. to approve of the acceptance by Professors of Colleges, of Examinerships and Superintendentships offered by the Madras University or a foreign University and the fees therefor, irrespective of the amount of fees;
9. to accord permission to the teachers in the department to change their names;
10. to dispose of unserviceable articles when the book value does not exceed Rs. 250 in each case;
11. to write off unserviceable articles including damaged and worn out scientific appliances and apparatus whose book value does not exceed Rs. 100 in each case;
12. to write off irrecoverable arrears of revenue not exceeding Rs. 50 in each case;
13. to sanction the sale by auction of all standing and fallen trees and plants in grounds under the control of the Education Department and to order the removal of standing trees and plants;
14. to sanction the disposal by auction of dismantled school buildings;
15. to sanction such endowed scholarships, prizes and medals the award of which is vested in him by the rules of the endowments;
16. to relax the conditions laid down in Rules 97 and 99 of the Education Code in regard to hours of school work in special cases;
17. to grant exemptions from the rule regarding the minimum number of working days for schools (Rule 100 of the Education Code);
18. to modify or alter the dates for the collection of fees in all departmental institutions;
19. to open higher classes in incomplete departmental schools of any grade and addition al divisions of classes in all departmental schools, provided that the expenditure can be met from the lump sum grants made specifically for the purpose in the budget;
20. to grant exemptions to candidates from appearing for the whole of the Vernacular Higher Examination;
21. to sanction subsistence allowance to officers placed under suspension and dismissed and reinstated, provided the extra cost does not exceed Rs. 200 and the suspension does not exceed six months;
22. to sanction the acceptance by the non-gazetted members of the department, of honorary offices in Co-operative Societies and the remuneration therefor up to Rs. 100 in each case;
23. to appoint the temporary staff required from year to year for the conduct of the work in connection with the examinations under the control of the department, meeting the charges from the budget for examination charges;
24. to depute members of his office staff or of his establishment in connection with the printing of question papers for examinations;
25. to fix the head-quarters of subordinate Inspecting Officers of the department;
26. to grant exemptions in connection with the minimum age for the examinations under the control of the department, when the deficiency in age exceeds one year.
27. to grant exemptions from the operation of the rule prescribing minimum attendance for candidates for the E. S. L. C. V. S. L. and V. H. Examinations, in all deserving cases, when the deficiency in attendance exceeds 5 per cent.
28. to accord administrative sanction for works (original or repairs) up to Rs. 1,000;
29. to sanction the journeys on duty of non-gazetted officers of the department outside the State;
30. to sanction excursion charges of the students of Colleges and schools for practical instruction subject to budget provision;
31. to rent buildings for schools in cases of necessity when the rent in each case does not exceed Rs. 50 per mensem subject to budget provision;
32. to sanction renewal of badges, belts and uniforms of menial servants, once in two years, when there is budget provision for the purpose;
33. to sanction advertisement charges up to Rs. 25 in each case;
34. to sanction halting allowances for halts in excess of ten days in the case of the non-gazetted officers of the department;
35. to sanction the purchase of taluk maps;
36. to sanction re-appropriation of funds up to Rs. 500 from one minor head to another, provided that no re-appropriation of funds is made from the heads 'Salaries and establishment' and 'Allowances';

37. to sanction exemptions from age bar in the case of non-gazetted officers provided the officer concerned is not more than 30 years of age and was first entertained in the public service before attaining the age of 25;

38. to sanction the investigation under Article 15 of the Account Code of the arrear claims of non-gazetted officers of the department to arrear pay or allowance or increments, and

39. to sanction the vacation duty of officers other than Principals of Colleges.

xx xx xx xx xx xx xx xx xx

(By order).

K GEORGE,

Chief Secretary to Government.

To

The Director of Public Instruction.

„ Account Officer.

„ Gazette.

„ Press Room.

APPENDIX VII.

The Inspection Code.

1. The following rules relating to the organisation, jurisdiction, powers and duties of the Inspecting Officers of the Education Department are issued under the authority of the Government of Cochin, and no alteration to them shall be valid unless expressly sanctioned by Government and published in the Government Gazette. The Director of Public Instruction is, however, authorised to issue in the form of Standing Orders or departmental circulars such interpretations of the provisions as may appear to him to be necessary to carry out the purpose of these rules.

2. These rules shall be known and referred to collectively as the Inspection Code.

3. Inspecting Officers are expected to be thoroughly conversant with the provisions of this Code and in cases of doubt, it is their duty to apply to the Director of Public Instruction for a clear ruling.

4. The terms used in this Code are used in the same sense as they bear in the Cochin Education Code.

CHAPTER II.

The organisation and Jurisdiction of the Inspecting Officers.

5. The Inspectorate shall consist of

- (1) One Inspector of Schools.
- (2) One Inspectress of Schools.
- (3) Five Deputy Inspecting Officers.
- (4) Three Junior Deputy Inspecting Officers.
- (5) Superintendent of Vernacular Education.

6. In addition to the officers mentioned in the previous rule, the Director may, with the sanction of Government, depute any officer of the department as an Inspecting Officer for any particular or special purpose.

7. All secondary boys' schools in the State and Cranganur and all primary schools in the Taluks of Mukundapuram, Trichur, Talappalli and Chittur shall be under the administrative control of the Inspector of Schools.

8. All secondary girls' schools in the State and all primary schools in the Cochin-Kanayannur Taluk and in the Principality of Cranganur shall similarly be under the control of the Inspectress of Schools.

9. The inspection of secondary and English primary schools, shall be conducted by the Inspector and by the Inspectress. They shall also visit at least 25 Vernacular primary schools and inspect 10 Vernacular primary schools with a view to see that the inspection work of their deputies has been efficient.

10. The Deputy and Junior Deputy Inspecting Officers shall have direct administrative control over the Vernacular primary schools within their respective jurisdictions which are allotted as follows.*

- | | |
|-------------------------------------------|---------------------------------------------------|
| (1) Cochin-Kanayannur Taluk and Cranganur | 1. Deputy Inspecting Officer, Ernakulam. |
| | 2. Deputy Inspecting Officer, Mattancheri. |
| | 3. Junior Deputy Inspecting Officer, Cranganur. |
| (2) Mukundapuram | 1. Deputy Inspecting Officer, Chalakkudi. |
| | 2. Junior Deputy Inspecting Officer, Irinjakkuda. |
| (3) Trichur Taluk | Deputy Inspecting Officer, Trichur. |
| (4) Talappalli Taluk | Deputy Inspecting Officer, Vadakkancheri. |
| (5) Chittur Taluk | Junior Deputy Inspecting Officer, Chittur. |

*The actual number of schools in the jurisdiction of each of the several educational districts can be fixed later on.

(6) The Superintendent of Vernacular Education—the Sanskrit Schools. He will also exercise a general control over the teaching of Sanskrit and the Vernaculars in the secondary schools.

CHAPTER III.

Duties and powers of Inspecting Officers.

11. It shall be the duty of the Inspector and Inspectress of Schools,
- (a) to control and be responsible to the Director of Public Instruction for the efficient working of all the educational institutions in their charge,
 - (b) to supervise the work of all the officers and servants subordinate to them and to bring to the notice of the Director of Public Instruction any cases of neglect or dereliction of duty on their part,
 - (c) to have a full and accurate knowledge of the condition of education in their jurisdiction and of the curricula of studies obtaining in the different grades and kinds of schools in their charge and to report to the Director of Public Instruction any changes which they may deem desirable in either the distribution or gradation of schools, in the syllabuses, in the staffing of schools or grading of teachers,
 - (d) to visit and inspect the secondary and English primary schools under their control in accordance with the provisions of this Code and report on them to the Director of Public Instruction; to visit a percentage (to be fixed by the Director of Public Instruction) of Vernacular primary schools and to check the inspection work of the Deputy Inspecting Officers under them,
 - (e) to review the inspection and visit reports of all the primary schools inspected or visited by the Deputy Inspecting Officers,
 - (f) to check all bills and accounts passed or countersigned by them and to exercise the strictest possible economy in the expenditure of public money,
 - (g) to check and pass the grant bills of all the secondary and English primary schools placed in their charge,
 - (h) to submit on or before the due dates to the Director of Public Instruction or the Comptroller of Accounts or any other officer as ordered by Government such periodical returns as are prescribed by the rules,
 - (i) to serve witness summons and prohibitory orders concerning the officers in all schools,
 - (j) to be in charge of the public libraries in the taluk headquarters,
 - (k) to conduct all enquiries in secondary and English primary schools and such others as the Director of Public Instruction may direct.
12. The Inspector and the Inspectress of Schools shall have the power,
- (a) to sanction expenditure of all kinds relating to their own offices and to institutions placed in their charge within the sanctioned budget allotment except in cases where the sanction of a higher authority than the Head of the Department is required by the rules. Bills for all such items of expenditure should be submitted to the Director of Public Instruction for countersignature,
 - (b) to sanction all P. C. R. estimates for Rs. 200 and below,
 - (c) to carry on the correspondence relating to all aided secondary and English primary schools including the approval of the staff lists (literary and specialists) granting of leave, increment, etc., to them,
 - (d) to draw bills of their own offices and those of the English primary schools under them, to appoint their peons and to grant casual leave to the clerks, attenders and peons of their own offices and to the teachers and menials in English primary schools; to the heads of secondary schools and the Deputy and Junior Deputy Inspecting Officers,
 - (e) to dispose of papers connected with the admission and transfer of pupils in secondary and English primary schools, the issue of duplicate transfer certificate, change of date of birth and names, approval of promotion lists, exemption from the rules regarding minimum attendances except in cases where Government sanction is required, grouping of schools for conferences and comparative examinations and payment of fees of all kinds,
 - (f) to sanction the closing of secondary and English primary schools for local holidays provided they are compensated either before or after, grant of school buildings for holding meetings of a non-political nature or public functions without prejudice to school work, the holding of morning and evening classes, etc.
 - (g) to correspond directly with the Comptroller of Accounts in matters relating to (a) pre-audit of bills and (b) objection slips regarding bills of all kinds they have power to sanction.
13. It shall be the duty of all Inspecting Officers irrespective of their rank to advise and assist managers and teachers in all matters relating to organisation, discipline, teaching, equipment, etc. The Inspecting Officers will go through their Districts regularly staying in every village a sufficient time to arrange educational matters and to advise on them. They should make full arrangements for doing their office work while on tour.
14. They should administer the rules of the department with fairness and strict impartiality and should be accessible and courteous to all persons who have legitimate business to transact with them.
15. The Inspecting Officers shall select teachers for secondary and elementary training subject to the approval of the Director of Public Instruction.
16. They shall inspect and report on the working of public and village libraries and reading rooms situated within their jurisdiction.

17. The Inspector and the Inspectress of Schools shall have the power to withhold temporarily the whole or any part of the grant of any of the secondary and English primary schools the passing of which is vested in them, reporting promptly to the Director of Public Instruction all such cases of withdrawal.

18. It shall be the duty of the Deputy and Junior Deputy Inspecting Officers.

(a) to visit and inspect all the Vernacular primary schools and libraries placed under them and report to the Inspector or the Inspectress of Schools as the case may be, and

(b) to conduct all enquiries connected with the Vernacular primary schools and report on them to the Director of Public Instruction.

19. They shall have the power

(a) to check-measure the P. C. R. works of the Sirkar primary schools under their respective jurisdiction,

(b) to dispose of all correspondence relating to the aided Vernacular primary schools including the approval of the staff lists (literary and specialists), granting of leave, increments, etc., to them,

(c) to draw the pay, T. A., contingent, etc., bills of their own offices and the Vernacular primary schools under them, to appoint their own peons and the masapadias of Vernacular primary schools and to grant casual leave to the clerks, attenders and peons of their own offices and to the teachers and menials in the Sirkar primary schools under their charge; they shall be competent to lease out school compounds of Sirkar schools, sanction the sale of usufructs and the disposal of old and unserviceable articles by auction,*

(d) to approve of the promotion lists (half-yearly and annual) of Vernacular primary schools,

(e) to dispose of all papers connected with the admission and transfer of pupils to Vernacular primary schools under them, and

(f) to dispose of papers regarding exemption of pupils in Vernacular primary schools from the operation of the rule regarding minimum attendance to sit for the annual examinations,

(g) to grant local holidays to schools under their jurisdiction provided they are compensated before or after.

CHAPTER IV.

Registers, records and periodical returns

20. The following registers and records shall be maintained by the Inspector and Inspectress of Schools.—

1. Permanent advance register
2. Cash book
3. T. A. expenditure register
4. Pay and T. A. bills and acquittance rolls
5. Contingent registers
6. Register of half-fee concessions
7. Attendance register
8. Register of recognised school staff
9. Office order book
10. List of departmental schools
11. Do of aided schools
12. Do of recognised but unaided schools
13. Civil list of Sirkar school teachers
14. Monthly circuit diary
15. Establishment register of Sirkar schools
16. Register of periodicals, magazines, library books, etc.
17. Register of valuables
18. Inspection register
19. Punishment register
20. Security register
21. Register of applications for copies of documents
22. Register of periodical returns
23. Bill register and objection slip register
24. Current register
25. Petition register
26. Disposal register
27. Despatch register and local delivery book
28. Register of service labels
29. Do of postages incurred
30. Do of stationery articles
31. Do of printed forms
32. Do of furniture and stores
33. Do for the destruction of records
34. File books of circulars and service orders issued and received by them.

* They shall also maintain and submit all accounts concerning the Vernacular primary schools under them.

Director's sanction is necessary for writing off furniture, books, etc., without compensation.

35. Grant bill register showing progress of expenditure
36. Grant-in-aid audit register
37. Register of fee collections in aided schools
38. P. C. R. Register
39. Register of original works sanctioned and executed
40. Register of licenses and permits under their custody
41. Casual leave register
42. Register of expenditure sanctioned
43. Collecting officers' register of receipts
44. Disbursing officers' register of expenditure
45. Register of compounds leased

21. The Deputy and Junior Deputy Inspecting Officers shall maintain the registers (Nos. 1 to 35 and 40, 41, 43, 44 and 45 prescribed for the Inspector and the Inspectress of Schools) in so far as they relate to the Vernacular primary schools placed under their administrative control.

22. The Inspector and Inspectress of Schools shall send to the Director of Public Instruction the following periodical returns:—

Monthly.—

1. Circuit diary and tour programme
2. Absentee statement of teachers
3. Pupils' attendance report of Sirkar schools
4. Do do of aided schools
5. Statement of receipts and disbursements (of offices and schools)
6. Statement of outstandings
7. Statement of receipts and disbursements of unaided private schools
8. Statement of appointments for which security is necessary

Quarterly.—

9. Consolidated statement of appointments, leave, promotion, etc.
10. Caste-war statement of new appointments

Half-yearly:—

11. Consolidated casual leave statement
12. Progress report of P. C. R. works
13. Statement of inspection work
14. Casual leave statement of inspecting officers
15. Civil list
16. Condition of type-writers
17. Certificate regarding the verification of library books
18. Return of closing of schools

Yearly:—

19. Statement of aided schools
20. Furniture verification return (including the condition of bells, clocks etc.)
21. Return of Europeans and Eurasians
22. Statement of destruction of records
23. Landed property statement
24. Business statement
25. Detailed statement of establishment
26. 15 years statement
27. Return of officers lent to foreign service
28. Administration Report
29. Application for allotment under P. C. R.
30. Budget and revised estimates for State schools
31. Do do Hostels
32. Do do Cranganur schools
33. Indent for stationery articles.
34. Do for printed forms
35. Acknowledgment of permanent advance
36. Report on the working of libraries
37. List of works to be done by the P. W. D.
38. Return of security certificates

23. The Deputy and Junior Deputy Inspecting Officers shall send to the Director of Public Instruction all the returns except items 12, 16 and 37 prescribed for the Inspector and the Inspectress of Schools. These shall only refer to the Vernacular primary schools and the office establishment of these officers. They shall also forward copies of items 1, 13, 28, 30 to 32 and 36 to the Inspector or the Inspectress (as the case may be) for information.

CHAPTER V.

Procedure at Inspections.

24. Three days' notice of the annual inspection shall be given by the Inspecting Officer to the Headmasters in the case of primary schools and five days' notice in the case of secondary schools. No notice shall be given regarding any other visit by the Inspecting Officer.

25. The annual inspection shall be conducted during school hours and in the school premises. It shall be conducted and the results recorded in accordance with such instructions as may be issued by the department from time to time.

26. No teacher should be criticised in the presence or hearing of pupils. If a teacher shows signs of incompetency or slackness it is the duty of the Inspecting Officer to bring this fact to the notice of the Director of Public Instruction or of the Manager in the case of aided schools. A conference should be held with the staff at the close of inspection.

27. Inspections should be made with reference to the remarks and instructions given on previous occasions so that the series of inspection reports on a school may constitute a consistent body of cumulative and constructive criticism which may help and guide the development of the school.

28. The text-books in use should be carefully scrutinised with a view to prevent the use of books not approved by the department.

29. Each Inspecting Officer should keep a list of uncertificated teachers who are young enough to be sent for training. Each Inspecting Officer should see that timely intimation is furnished to the Director of Public Instruction for selecting from the list those who are most fit to undergo training.

30. Inspecting Officers are expected to make a special note of any deviation from rules or any deficiency in the matter of the adequacy of staff, the suitability of time-tables of work and curricula, the adequacy of accommodation, playground space, and equipments, the maintenance of school records, etc.

31. Inspecting Officers should so conduct themselves that their behaviour may be a model for teachers. Cordial co-operation of Inspecting Officers and Managers is indispensable for the welfare of schools. All appearance of "dictating" orders to Managers should be avoided, while it should be made perfectly clear that attention to remedying defects is a necessary condition of the continuance of recognition and aid.

32. Inspecting Officers are advised to bear in mind the general instructions contained in the following extract from the Government of India Resolution on Education (1904):—

"Inspecting Officers should be much more than mere examiners. They should not only judge the results of teaching, but should guide and advise as to its methods; and it is essential that they should be familiar with the schools in their ordinary working conditions. The work of the schools should be defined with reference rather to the courses of instruction followed than to the examinations that have to be passed and rigid uniformity either in the arrangements of subjects or in the classification of scholars should be avoided, free play being given to the proper adaptation of the working of the schools to their local circumstances."

33. The results of annual inspection shall be embodied in a report of which two copies shall be prepared. The first copy shall be forwarded within a week of the inspection by the Inspecting Officer to his immediate superior for his orders. On receipt of orders, the Inspecting Officer shall insert in the second copy a copy of the orders passed and shall forward the second copy to the Manager or correspondent who shall attend to the suggestions made by the department for the remedying of defects noticed at inspections.

34. Besides annual inspections of schools, it is the duty of the Inspecting Officer to visit the schools as frequently as his programme will permit and supervise in a general way the welfare and progress of the schools in his jurisdiction.

APPENDIX VIII.

Office of the Director of
Public Instruction,
Trichur,
3rd March 1926.

CIRCULAR.

In continuation of this Office Circular, dated 6th December 1925, C. No. 4631/99, Inspecting Officers, managers and heads of schools, are requested to suggest to qualified young men who are in search of employment the opening of new elementary schools in neglected areas as a suitable channel of activity offering them scope for work of a most useful kind. By visiting such places and influencing local leaders and guardians of children, it should be possible to bring new schools into existence, which would provide them with useful occupation, and, at the same time, help to shed light in dark regions by the spread of knowledge. The department would be glad to encourage such young men who show by their energy and enthusiasm that they are deserving of help. There are very many localities in the State hitherto unprovided with schools of any kind where new schools could easily be opened, towards which the department would be prepared to render every possible assistance. Schools that are intended for the benefit of the backward and depressed communities will have a special claim on the bounty of the State.

C. MATTHAI,
Director.

APPENDIX IX.

Expenditure on Education, 1106 M E.

Serial No.	Head of Expenditure	State	Cranganur	Total
1	Direction and Inspection	58,765	..	58,765
2	Collegiate Education	1,08,768	..	1,08,768
3	Secondary Education	4,03,684	30,403	4,34,087
4	Primary Education	7,36,233	29,608	7,65,841*
5	Government Training Institution	40,278	..	40,278
6	Miscellaneous	55,632	..	55,632
	Total	14,03,360	60,011	14,63,371

* Besides, Rs. 34,410 is also incurred from the Depressed Class Budget.

APPENDIX X.

Cost of Aided Schools within the Municipal limits.

I. MATTANCHERI.

		Cost per annum*		
		Rs.	As.	Ps.
1	St. Sebastian's High School, Palliviruthi (U. S. D. Unaided) ..	1,995	0	0
2	T. D. High School, Cochin ..	3,270	14	0
3	St. Thomas' School, Palliviruthi ..	863	9	0
4	St. Joseph's School, Chullikal ..	333	10	0
5	A. M. A. School, Kochangady ..	476	14	0
6	T. D. Girls' School, Cochin ..	1,072	11	0
7	S. K. V. School, Cochin ..	169	7	0
8	L. L. Church School, Mattancheri ..	1,110	12	0
9	B. S. School, Moolankuzhi ..	732	12	0
10	N. P. School, Moolankuzhi ..	1,282	11	0
11	H. I. N. School, Kochangady ..	110	6	0
	Total ..	11,418	10	0

II. ERNAKULAM.

1	S. R. V. L. S. School, Ernakulam ..	1,813	0	0
2	St. Albert's High School, Ernakulam ..	1,625	9	0
3	St. Joseph's L. S. School, Chathiyath ..		Unaided	
4	St. Teresa's Girls' High School, Ernakulam ..	6,615	2	0
5	St. Mary's L. S. G. School, Ernakulam ..	982	14	0
6	L. M. C. G. High School, Chathiyath ..	1,260	9	0
7	Kilamanaparamba School ..	755	1	0
8	St. George's School, Perumanur ..	1,986	1	0
9	Jews' School, Ernakulam ..	1,263	13	0
10	M. I. V. P. School, Ernakulam ..	775	8	0
11	H. I. J. E. School, Ernakulam ..	500	10	0
12	St. Augustine's English School, Ernakulam ..	1,002	12	0
13	S. M. School, Ernakulam ..	693	5	0
14	St. Antony's Girls' School, Ernakulam ..	1,718	13	0
15	St. Francis Church School, Ernakulam ..	782	4	0
16	L. M. C. M. Girls' School, Chathiyath ..	618	1	0
17	L. M. C. Boys' School, Chathiyath ..	1,889	4	0
18	Union School, Thrikkanarvattam ..	1,101	0	0
19	St. Joseph's Ragged School, Ernakulam ..	150	0	0
	Total ..	25,533	10	0

III. TRICHUR.

1	Vivekodayam High School, Trichur ..	3,618	1	0
2	C. M. S. High School, Trichur ..	3,171	15	0
3	St. Thomas' High School, Trichur ..	2,164	0	0
4	Tharakan's L. S. School, Aranattukara ..	740	4	0
5	C. S. C. E. School, Trichur ..		Nil in 1106.	
6	Nambudiri Vidyalayam, Trichur ..	1,110	4	0
7	S. H. C. Girls' High School, Trichur ..	4,937	13	0
8	Vivekodayam L. S. Girls' School, Trichur ..	3,446	11	0

* The figures given are the actuals of 1106.

		Rs.	As.	Pt.
9	St. Joseph's L. S. Girls' School, Trichur	2,067	18	0
10	M. T. S. L. S. Girls' School, Trichur	Nil in 1906.		
11	C. M. S. E. Girls' School, Trichur	605	14	0
12	M. T. S. M. Girls' School, Trichur	1,161	7	0
13	St. Clare's V. P. Girls' School, East Fort Gate, Trichur	482	10	0
14	St. Anne's M. Girls' School, West Fort Gate, Trichur	624	7	0
15	C. M. S. Parish Boys' School, Trichur	1,000	15	0
16	Z. M. School, Vadakke Angady	920	0	0
17	St. Augustine's School, Kokkalai	1,492	6	0
18	Islam Day School, Kokkalai	1,026	0	0
19	St. John's M. School, Aranattukara	1,801	15	0
20	St. Mary's M. P. School, Lourdes' Church, Trichur	1,293	9	0
21	Pushpagiri Vedic School, Trichur	120	0	0
22	C. S. C. School, East Fort Gate, Trichur	924	0	0
Total		32,709	15	0

IV. CHITTUR-TATTAMANGALAM.

1	S. M. School, Tattamangalam (L. S. S.)	1,242	12	0
2	Hajiar Memorial School, Tattamangalam	491	12	0
3	Bazar A. V. P. School, Tattamangalam	1,401	9	0
4	A. V. P. Girls' School, Thekkegrammam	552	3	0
5	Vedasastra Patasala, Chittur	600	0	0
Total		4,288	4	0

APPENDIX XI.

With a view to improving the system of industrial education that obtains at present in the State, the following gentlemen were invited for an informal discussion on 16th June 1931 and 13th July 1931.

1. T. S. Balarama Ayyar, Esq., B. A.
2. M. K. Ry. Rao Sahib K. Kochugovinda Marar Avl.
3. Barton Wright, Esq.
4. V. K. Achyuta Menon, Esq., M. A., B. Com.
5. C. Swaminath, Esq., L. T. M. (Bom).

The Director of Public Instruction presided.

At the first meeting Mr. Barton Wright found it inconvenient to be present. The discussions were continued for another day when Mr. Balarama Ayyar was unfortunately absent.

As a result of the discussion the following scheme was evolved for the future conduct of industrial education of the State.

Rural Industrial Schools.—The industries taught in these schools may be divided under two heads—major and minor. Minor ones may have no independent existence. A student who takes up one major industry can be allowed one minor industry as a subsidiary subject. For the above purposes, the following shall be the grouping of industries:—

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) Major.</p> <ol style="list-style-type: none"> 1. Weaving. 2. Carpentry 3. Smithy 4. Agriculture 5. Bell-metal | <p>(b) Minor.</p> <ol style="list-style-type: none"> 1. Mat-making (grass, screw-pine and bamboo) 2. Rattan works 3. Sericulture 4. Coir works |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Girls' Industrial School:—

- | | |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) Major.</p> <ol style="list-style-type: none"> 1. Weaving. 2. Needle-work and Millinery | <p>(b) Minor.</p> <ol style="list-style-type: none"> 1. Laundry 2. Embroidery 3. Knitting 4. Lace-making 5. Crochet works 6. Mat-making 7. Rattan |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

A definite syllabus may be followed in all the industrial subjects taught. In addition to the theory and practice of industrial subjects, Drawing applied to Industrial Art shall be a common subject for all. These Industrial Schools shall also make provision for improving the literary qualification of the students. Since the course in these schools is intended to extend to a period of four years, students may be made fit as far as possible up to the High School standard. Those who have passed the third form may be exempted from literary classes.

Admission.—is restricted to those who have passed the primary standard and attained 14 years of age. Medical fitness must be insisted on in all cases. The course of studies shall ordinarily extend to a period of four years after the completion of which a student is eligible to sit for the Lower Grade Public Examination in the subject. For further higher studies to make them fit for the Higher Grade Examination, instruction shall be provided for in a central institution fitted up with up-to-date appliances.

The total number of students, paying, free and stipendiary to be admitted into each of the Industrial Schools in the different sections shall be notified at the beginning of the educational year and admissions shall be strictly limited to such notified number. In each Industrial School a certain number of seats for a purely artisan course shall be provided for where literary qualifications may not be insisted upon. As far as possible admission to this class may be restricted to professional men.

Stipends.—The number of stipendiary students in each school shall be limited. Stipends shall not be claimed as a matter of course. The results of the annual examination and the progress shown by the record of work in each year shall be the determining factors in allowing stipends. In the first year of training there shall be no stipend. Since the number of stipendiary students has been limited, the amount that is to be paid from the second year onwards, may be a little more than that obtains to-day. Those in the artisan section may be made eligible for the same stipend, provided they show approved work, and for professional men an enhanced rate of stipend even may be allowed. As far as possible and before awarding stipends the Industrial Inspector during his occasional visits scrutinise the results and conduct further tests, if necessary.

Fees.—Paying students shall pay the following rate of fees.

Admission fee Rs. 2.

First and second year Rs. 5 per annum.

Third and fourth year Rs. 10 per annum to be collected from the beginning of the year in monthly instalments of 8 as. and Re. 1 respectively. For the higher grade, the annual fees shall be Rs. 20 to be collected in monthly instalments of Rs. 2.

Attendance.—No student shall be admitted to any annual examination unless he has put in at least 75% of attendance in each class. Each student shall keep a record of his practical work.

Hours of work and holidays.—Each Industrial School shall work from 10 to 5 with an interval of one hour between 1 p. m. to 2 p. m. Saturdays shall be only half working days. All Gazetted holidays shall be public holidays for the schools; but in the matter of Onam holidays they shall follow the Educational Code. The mid-summer vacation shall extend to a period of six weeks, beginning from the first day in Medam inclusive. Those teachers who are on duty during vacations should be allowed privilege leave on full pay.

Annual Examination.—There shall be an annual examination in all the subjects taught in the school. The standard for passing the annual examinations shall be the same as for the Public Examination. Students in the Industrial Schools shall sit for the third form comparative examination of the near literary school.

Public Examination.—After a student has successfully completed a four years' course of studies in a recognised Industrial School, he may sit for the Lower Grade Public Examination on the recommendation of the head of the school in the major and minor industries he has selected.

There shall be both written and practical examinations and also a *visa voce* examination; and unless a student satisfies the examiner in all these, he is not eligible for a certificate. But if a student fails in one or more of the examinations, he can appear for that part at a subsequent examination and become eligible for a complete certificate.

Private candidates shall always submit their applications to sit for the examination through the head of a recognised Industrial School.

Fees. (Examination). Regular students who appear from recognised Industrial Schools shall remit an examination fee of Rs. 5 for the Lower Grade Examination and Rs. 8 for the Higher Grade.

For private candidates the fees shall be Rs. 8 and Rs. 12 respectively.

A chalan of having remitted the requisite amount shall accompany the application.

The Lower Grade Examination shall be conducted in two centres at the Government Trades Schools at Trichur and Ernakulam and the Higher Grade in Government Trades School, Trichur only.

The examinations may be conducted in the third week of Meenam. Application to sit for the examination should reach the Office of the Secretary to the Board of Examiners not later than the 5th of Kumbham in each year. The tests in each examination shall be conducted in such a manner that the examinations shall be finished within 10 days. Definite instructions as to the way in which these examinations are to be conducted shall be forwarded to the examiners concerned. (For the conduct of the Industrial Public Examinations a separate board with official and non-official industrialists shall be constituted. The board shall consist of six members including the Director of Public Instruction who shall be the President. Two members shall be non-officials, one representing the interests of Weaving and the other Smithy, Carpentry, etc. There shall be a lady member to represent Needlework and other allied subjects. The other two members shall be officials. The Industrial Inspector shall be the Secretary).

The minimum for a pass shall be 35 per cent in the written and 50 per cent in the practical and *visa voce* tests. Those who secure 66 and two-thirds per cent in the aggregate shall be declared to have passed in the first class.

School Accounts.—When the revised scheme comes into force the personal deposit system that obtains to-day may be modified to suit the requirements of a school where teaching is the primary consideration. Specific amounts may be allowed to each of the school and the expenditure is to be limited to that. The definite amount that has to be allowed to each student may be worked out after the system is in force for a year or so.

Qualification for teachers.—As far as possible, Headmasters in Industrial Schools should possess a S. S. L. C. standard in literary education and a full course in the Higher Grade in one major industry and working knowledge in the minor industries to be taught. It should be the aim of the department to put at the head of these institutions such qualified men gradually, the present Headmasters then reverting as Industrial Assistants unless they get qualified.

Industrial Assistants.—They shall possess at least a third form literary qualification and Lower Grade in a major industry and working knowledge in some of the minor industries.

The literary teachers and clerks.—They shall be School Finals. Preference may be given to those with commercial optionals.

Central Institution.

1. For a student who has successfully completed a full course of studies in a recognised Industrial School, provision may be made for higher studies in a central institution in the major industry in which he wishes to specialise.

2. For this purpose the Government Trades School may be the central institution which shall be fitted up with modern appliances and staffed with qualified teachers for efficient training and the Government Trades School at Ernakulam converted into a School of Commerce.

3. The major and minor industries taught in the other Industrial Schools and for which provision for higher training is to be made in the Central Institution, shall be combined with the Art section to form an 'Arts and Crafts' section. This section is to be under an efficient supervisor well versed in Industrial Arts.

4. The crafts side shall coach up pupils for the Higher Grade Industrial Public Examination and the Arts section as it is doing now for the Madras Government Technical Examination in Fine Arts.

5. Those who have passed the Lower Grade Public Industrial Examination and the third form Literary Examination shall be admitted into the Higher Grade and the course shall extend to a period of two years.

6. Students with higher literary qualifications and who can command some capital for starting small cottage industries and factories shall be given facilities in the school to complete the Higher Grade within four years.

7. Special apprenticeship courses for adult professional men to get them into touch with modern appliances and new designs and samples may be provided for on liberal stipends. (The stipends that are being paid to pupil teachers, may, for some time, be better utilised in teaching professional men better methods.)

8. Besides the principal industry, instruction shall be given in the following subjects according to a specified syllabus.

- (1) Drawing—reference to Industrial Arts.
- (2) Mathematics as is necessary for calculation purposes in the industries concerned.
- (3) Principles of Business Organisation and Co-operation.
- (4) A general knowledge of history and geography.

9. Arrangements may be made with large industrial concerns in the State for giving convenience to Higher Grade for a period of workshop practice.

Technological Institute.

1. Gradual beginnings only towards a full-fledged Technological Institute may be made in the Government Trades School.

2. As there is a weaving section cotton technology may be improved by making provision for an attached section to teach dyeing and calico printing where convenience may be given for research in vegetable country dyes, as distinct from chemical dyes. Soaps and Oils. (Chemical Technology).

3. There is a Motor Mechanic Class and Electrical Wireman's Class now going. There is also a sufficiently well-equipped workshop. Some more equipments may be essential to complete it for teaching purposes and with provision for a few efficient and well-qualified teachers, full course in Mechanical and Electrical Engineering may be started even now. Further expansion may, if justified by actual progress, be attempted in course of time.

4. Provision may also be made for instruction in subordinate courses for draftsmen, surveyors, etc., in the Civil Branch of Engineering.

APPENDIX XII.

This number includes the Sanskrit College, Trippunittura, which is the result of the munificence of His Highness the late Raja Sri Sir Rama Varmah, G. C. S. I., G. C. I. E. It stands on a different footing from the other institutions imparting instruction in Sanskrit. The curricula of studies is far more ambitious and aim among other things a knowledge of the different systems of Hindu philosophy.

This College is managed with the advice and assistance of a special committee; unfortunately the committee at present possesses very little power. The committee should be reconstituted on a statutory basis and endowed with wider powers. Again, the pay of the staff is very low and it will be difficult to find men to work on the salaries which are now offered. I would, therefore, recommend that Government may be pleased to give their attention to this matter so that the premier institution imparting Sanskrit education may be permanently placed on a satisfactory financial footing.

APPENDIX XIII.

The Cochin Education Code, Vol. I.

CHAPTER I.

General.

The Code shall come into operation on and it shall supersede all previous Codes and Rules on the subjects herein dealt with; provided however, that Government may, on the recommendation of the Director, postpone the date on which any rule comes into operation, or suspend the operation of any rule as applying to any class of schools or to schools situated in any particular area.

2. The appendices to the Code shall be printed in separate volumes, but shall be treated as part of the Code, and they shall have the same force as the Code.

3. No alteration in the Code shall be valid unless it has been sanctioned by Government and published in the Gazette. The Director is empowered to issue in the form of circulars, such rulings on, or interpretations of, the provisions of the Code, as may appear to him to be necessary.

Note:—The word "Director" in this Code, means the 'Director of Public Instruction, Cochin State.'

(a) Copies of the Code shall be supplied free of cost to (1) all the Inspecting Officers and (2) the Heads of schools.

4. The decision of Government on any question that may arise as to the intention, construction or application of the rules in this Code shall be final.

5. Managers of recognised schools are expected to be conversant with the provisions of the Code, and in no case shall the violation of Code, Rules or the amendments there to be condoned on the plea of ignorance.

CHAPTER II.

Classifications of Institutions.

6. The work of the Education Department is one of inspection and control. It also undertakes the management of Colleges and schools and aids local bodies, private associations and persons who desire to open and manage educational institutions. The following definitions explain how educational institutions are classified for purposes of inspection and control.

7. Schools shall be classified into two main groups—literary and vocational.

8. Literary schools are divided into primary schools—English and Malayalam, and secondary schools—Lower and Upper, and special schools.

9. A primary school shall consist of four classes; a lower secondary school of three forms, and an upper secondary one, also of three forms.

10. But to provide for the transition from Malayalam to English schools, the Director may, with the sanction of Government, attach preparatory classes either to primary or secondary schools.

11. Vernacular primary schools shall be treated as self-sufficient institutions imparting a kind and grade of education which is complete in itself.

12. Special schools are literary schools where instruction in some classical language or special subject not taught or adequately taught in the other literary schools.

13. Vocational institutions shall be of three grades or types, namely (1) Technical Institutes, (2) Central Industrial Schools and (3) Rural Industrial Schools.

CHAPTER III.

Recognition of Schools.

14. A "recognised" educational institution is one which has been recognised by the Education Department as satisfying the conditions laid down in respect of equipment, staff and efficiency of teaching and conducted in conformity with the Code.

15. Schools under private management may be recognised by the Director subject to the following rules and conditions. Government reserve to themselves, anything in the rules of this Code notwithstanding, the right to refuse or to withdraw the recognition of any school at their discretion.

16. When the management of an institution vests in any single person, to whom authority is delegated by another, the nature and extent of the power or authority so delegated must be clearly stated at the time of the application for recognition. The arrangement shall require the approval of the Director before recognition is granted, and any change made in it subsequent to recognition shall require similar approval. The Director may, whenever he deems it necessary, demand the institution of a school committee composed of the Headmaster and some assistant teachers of the school as members and the Manager as President. Matters affecting the discipline of the school and the well-being of the staff shall be generally referred to this committee.

17. Application for permission to open a school, with a view to its subsequent recognition, should ordinarily be made not less than three months (four months in the case of primary schools) before the date on which it is proposed to take actual steps to establish or open the institution, and shall be in Form No. Volume . In the case of Primary Schools the application shall be made through the local School Board. The chief matter which requires attention in making such an application is the statement of reasons for the necessity of establishing the institution. The decision of the Director shall be chiefly based on :—

(a) the nature of the management and the guarantees it offers for its financial stability, and

(b) the extent to which the requirements of the locality in the matter of education are already met by the existing institutions.

18. (1) Every application for recognition should be accompanied by a site plan and a ground plan, both drawn to scale and showing clearly the extent of land and the allocation and dimensions of classes.

(2) The Director may at his discretion demand a sanitary certificate in Form No. before recognition is accorded, or on any subsequent occasion. Within Municipal limits, the certificate shall be signed by the Health Officer, and in other places it shall be signed by the nearest officer in charge of a hospital, countersigned by the Chief Medical Officer. It shall be competent for the Director to refuse to recognise any school which in his opinion is situated, accommodated or proposed to be opened, in any insanitary or unwholesome locality or building. No building which is used for the purposes of education shall be altered or added to materially except in accordance with a plan approved by the department. In deciding the suitability of a proposed building for school purposes the department shall generally be guided by the following considerations :—

(a) Each class room possesses such accommodation as to allow 8 square feet and 80 cubic feet of space per pupil on the rolls of the class or classes.

(b) Rooms which accommodate more than one class in a secondary school shall be divided by suitable partitions.

(c) Every school shall have a common room for teachers and every secondary school also a common room for pupils.

(d) Arrangements shall be made for the supply of good drinking water.

(e) Every school shall be provided with a suitable latrine or latrines in the case of 'mixed' schools.

(3) The Director may also ask that a certificate should be produced signed by the Diwan Peishkar to the effect that the building is on a site accessible to all castes.

19. (1) In the event of refusal by the Director to approve of the opening of a new institution or to grant recognition, an appeal shall lie to Government, if preferred within thirty days from the date of receipt of the order refusing such approval.

(2) If approval is finally refused to the opening of any new institution, no renewal of the same, nor a practically similar application shall be considered, until the expiry of twelve months from the date of the first application.

(3) The approval granted by Government, or the Director, to the opening of a new institution shall lapse, unless the institution approved is started within a period, which shall be fixed in each case, when such approval is signified to the applicant, or within such period to which it has been extended by Government or by the Director.

20. No class or form shall be opened in a recognised institution without the previous sanction of the Director.

21. The Director shall fix the grade of the school seeking approval or recognition.

22. All recognised schools in the different grades, primary and secondary, shall follow the curricula prescribed in Volume . Schools for girls shall follow the special curriculum prescribed for them. Only pupils attending recognised institutions qualify for admission to public examinations.

23. Recognised educational institutions are liable to have their recognition temporarily or permanently withdrawn if any of the rules contained in this Code or if any rulings of the Director thereon are violated, or if the Managers and Headmasters thereof grant, without permission, the use of their buildings or premises for meetings of a political character, or for the discussion of subjects which are likely to cause ill-feeling between different communities or sections of any community.

CHAPTER IV.

Grant-in-aid Rules.

24. The rules in this chapter are a mere definition of the circumstances under which aid may be given to schools. Grants are a matter of grace and cannot be claimed as a matter of right ; and all the rules contained in this chapter must be read as subject to the absolute right of the Government to grant or reject any application at their discretion.

25. Government reserve to themselves, anything in the rules of this Code notwithstanding, the right to refuse or to withdraw any grant or any portion of it at their entire discretion.

26. With a view to the maintenance, extension and improvement of secular education a sum of money is annually allotted by Government for distribution as grants-in-aid to institutions under the management of local bodies, educational societies and private individuals, subject to

certain conditions and governed by the rules which are laid down below and which shall be collectively known and referred to as the 'Grant-in-aid rules'.

27. All grants shall be given impartially and on principles of strict religious neutrality and no grant shall be given on consideration of any particular religious instruction which may or may not be given.

28. No school shall be eligible to a grant-in-aid under these rules unless it has an income from endowments, subscriptions, etc., of a permanent nature equal to one-fourth of the anticipated expenditure of the school.

29. Aid shall be granted on the following conditions:—

(1) The school shall be subject to the rules of the department and be open to regular inspection and to a full examination and audit of its accounts, vouchers being produced for all receipts and disbursements. It shall maintain the records prescribed in Volume and submit such returns as may be called for.

(2) The school shall be under the management of one or more persons who in the capacity of proprietors, trustees, managers or members of a committee are prepared to undertake the general superintendence of the school and to be answerable for the proper application of its funds and its permanence.

(3) If the management of the school vests in a body of two or more persons, the constitution of the management must be embodied in definite written rules which should prescribe among other things the manner in which the managing body shall be appointed, the conditions of the tenures of their office and their duties and powers with respect to the management.

(4) The Director must be satisfied that the building and the premises are sanitary, in good repair, properly drained and ventilated and contain sufficient accommodation, that each class is provided with the furniture and apparatus necessary and that the staff is competent as to qualification and numbers for the grade to which the school is registered.

(5) No pupil shall be refused admission or sent away on capricious grounds or for reasons not conformable to the educational policy of Government.

(6) The staff must be approved by the Director or the Inspecting Officers concerned and every change in the staff or management shall be duly reported for his or their approval.

(7) No portion of the income of the school shall be utilised for other than strictly educational purposes.

(8) Laxity in the promotion of pupils shall not be allowed.

30. With the sanction of the Director, the Manager of an Aided School may appoint any person to act on his behalf as correspondent with the department. The Manager shall be bound by the acts of his correspondent. When the correspondent is a teacher, he shall in no case be any other than the Headmaster of the institution in which he is employed.

31. All applications for aid shall be submitted in Form No. so as to reach the Director not later than the 15th of March, so that provision may be made in the budget. In the case of Vernacular primary schools application shall be made through the local School Board.

32. Grants may be given to recognised institutions in aid of—

- (1) payment of salaries.
- (2) purchase of furniture and permanent fittings—
- (3) erection or extension of educational buildings.

33. The rates of monthly grants for teachers employed in Vernacular primary schools shall be as follows:—

<i>Grade of teacher.</i>	<i>Amount of grant.</i> Rs. A. P.
Untrained teachers with less than 15 years' continuous service.	10—0—0
Untrained teachers with 15 years of service and more	12—8—0
Trained teachers with less than 15 years' continuous service	12—8—0
Trained teachers with 15 years' continuous service or more	15—0—0
Supervision allowance for the Heads of fully developed Vernacular primary schools	3—0—0
Music mistresses	12—0—0
Sewing mistresses and Drawing teachers	10—0—0

Note:—When specialists have to work in more than one school and when such schools are not situated near each other the Director may sanction an additional allowance of Rs. 5 per month.

34. Bills for salary grants shall be submitted monthly in the case of primary schools and quarterly in the case of secondary schools in Form No. Where however Malayalam primary schools are attached to English secondary schools, conjoint monthly bills for the English and Malayalam departments may be submitted.

(a) The grants in respect of English primary schools and secondary schools shall be fixed after an examination of the school accounts and shall be based on the difference between the income and expenditure of the school during the preceding school year as checked and admitted by the department. The income shall include fees, subscriptions, interest on endowments and contributions from missionary, private or local bodies. The fee receipts shall be calculated at the standard rates for Sirkar schools. Expenditure may include salaries,

purchase of school furniture, chemicals, apparatus, maps and books for school libraries, provided that the salaries paid are reasonable and the purchases under furniture, chemical, apparatus, etc., are approved by the department. The grant shall ordinarily be 50 per cent of the net annual deficit as calculated above, in the case of boys' schools and 75 per cent of such deficit in the case of girls' schools and mixed schools.

Note.—The salaries of none but (1) teachers licensed and fully qualified under Article, of the Code or

(2) teachers who, on 15th June 1911, have had 15 years or more of continuous service and have passed the examination under Chapter shall count for expenditure.

35. No teacher shall teach in a department of a school, for which he is not qualified by his license.

36. No salary grant shall be given for any class if its strength is less than 25; but in backward tracts or in girls' schools or in schools intended for the education of specially backward communities the Director may fix a lower minimum.

37. Any mis-representation of facts or presentation of a wrong bill with a false certificate or claim will not only render the drawer of the bill legally answerable for such false statements, but will also render the school liable to removal from grants and from recognition.

38. The grant may be reduced if the contribution from endowments, subscriptions, and other sources of a permanent nature falls below the guaranteed proportion or if the attendance is poor.

39. Should any aided institution show a surplus balance on the year's working, such balance or portion thereof to the extent of the grant received shall be payable to Government.

40. No grant shall be given for the purchase of any article which has not been previously approved of by the department or which has been ordered or supplied before the receipt of such approval. A grant promised under this head shall lapse if the articles are not supplied or if the amount of the grant is not drawn before the end of the financial year in which it is promised.

41. Grants in-aid of the erection or extension of educational buildings will be sanctioned only if the Director considers such erection or extension absolutely necessary. The amount of grant shall under no circumstances exceed a third of the total cost. Grants under items of equipment or building shall be disbursed only after the management executes in the prescribed form an agreement with Government clearly embodying the conditions under which the grant has been sanctioned. The agreement should be registered if the amount of the grant is Rs. 100 or more.

Note—(1) That in the case of buildings, the application, which shall be submitted before construction is begun, shall be accompanied by a detailed plan and estimate prepared by a professional or competent person,

(2) that the Director is satisfied that the work has been done in accordance with the sanctioned plan and estimate;

(3) that grants are not given to pay off debts on buildings or for former expenditure, or for buildings or enlargement not meant for any purposes other than purposes of education.

CHAPTER V.

School Discipline and Management.

42. Regularity and punctuality of attendance of both teachers and pupils shall be strictly enforced. Applications for leave shall be made by the parent or guardian of a pupil. Only in very exceptional and unavoidable cases shall applications from pupils be accepted.

43. A working day shall ordinarily consist of not less than five hours of secular teaching, with an interval of one hour during the day. No school meeting shall last continuously for more than three hours.

44. A 'school meeting' means a registered meeting of the school for secular teaching for not less than two hours.

45. There shall be two meetings a day, one in the morning and one in the afternoon. The attendance roll shall be called at the beginning of the morning and the afternoon secular lessons.

Note.—1. Any pupil who comes late after roll call, shall be marked '!' and shall lose the attendance for that meeting, except for good reasons.

Note.—2. Except for good reasons, a pupil absenting himself with leave shall lose the attendance for that meeting, but one absenting himself without leave shall lose two attendances.

46. Pupils absent from school for 10 days without the permission of the Headmaster shall be liable to have their names removed from the rolls, and shall pay all dues before re-admission. School hours shall ordinarily be from 10 a. m. to 4 p. m. with an interval from 12-30 to 1-30 p. m.

Pupils absenting themselves from school with leave for more than fifteen days may have their names removed from the rolls and treated as 'temporary removals'. After the expiry of six weeks of such absence they will be treated as 'permanent' removals. Such pupils are not exempted from payment of fees on the due dates but they need not pay any readmission fee when they rejoin before their names are permanently removed.

47. No pupil shall, unless exempted by the Director or the Inspecting Officers be promoted who has not put in at least 270 meetings in the year, or who has failed to pay the fees for the school year.

Note.—1. The Director may conduct special examinations for those pupils who for unavoidable reasons are absent for the terminal examinations. In such cases a special fee of rupees five in the primary department and of Rs. 10 in the secondary department may be levied from each candidate at the discretion of the Director. No such fee shall be levied in Malayalam schools.

Note.—2. In the case of pupils who obtain half-yearly promotion, the attendance put in by them in the two classes together during the year may be taken into account for their second half-yearly promotion, which is the annual promotion for other pupils.

48. The rules of discipline of every school shall be formulated in a definite manner, and shall be subject to the approval of the Director. They shall be explained to all pupils on admission to the school and a copy of the rules shall be posted on the notice board. The rules shall include in all cases the following provisions:

(a) Every pupil shall salute the teachers of his school on his first meeting them for the day and it shall be the duty of the teachers to reciprocate the greeting.

(b) On the teacher entering the class the pupils shall rise and remain standing till the teacher takes his seat.

(c) No pupil shall leave the class room without the permission of the teacher or until the class is dismissed.

(d) Pupils shall not be allowed to organise or attend meetings in the school or collect money for any purpose without the permission of the Head of the school.

(e) Neither teachers nor pupils shall attend or take any part whatever in any meeting, or in any agitation, directed against the authority of Government, or in any movement or agitation of any kind which may be accompanied by or result in ill-feeling between different sections of any community, or which gives expression in any way to opinions, that may excite feelings of disloyalty or disaffection.

(f) Any pupil who is persistently insubordinate, or wilfully mischievous or is guilty of fraud, shall be temporarily or permanently removed according to the gravity of the offence.

49. Teachers should by precept and by example, do their best to induce their pupils to be clean and neat in person and habit, respectful, orderly and quiet in behaviour, honest and truthful and good loyal citizens in all circumstances.

50. Provision shall be made for moral instruction in schools where the Heads of schools are satisfied that favourable conditions exist for such teaching. A period may be devoted for this purpose in the time-table and regular and systematic instruction given by means of stories, illustrations, biographies, etc.

51. In every school arrangements shall be made for physical exercise, sports and games.

52. Provision shall be made for the medical examination of pupils at least at intervals of three years and ordinarily thrice during the school life of a pupil, under the rules prescribed by Government in Form No.

53. In every school, for purposes of nature study and for recreation, provision shall, as far as possible, be made for school gardens.

54. Every school building shall be kept in good repair and in a clean condition. It shall be subject to inspection by the Inspecting Officers of the Education Department and such officers of the Medical, Sanitary and Engineering Departments, as Government may direct. Every building shall be provided with a suitable latrine.

55. Corporal punishments shall be inflicted only in cases of moral delinquency such as deliberate lying, obscenity of speech or act and then it shall be limited to six cuts on the hand and that administered only by the Headmaster. The Headmaster shall keep a record of all such cases of corporal punishment noting the reasons for awarding the punishment in each case and shall intimate the fact to the guardian.

56. Promotions from one class to the next higher one shall ordinarily be made once annually on the first working day of each school year. Half-yearly promotions may be permitted by the Director in special cases.

57. The Headmaster shall, before the first working day of each school year, post up in a conspicuous position in the school, a notice giving the names of all pupils who have been promoted, and he shall on the same day forward a copy of the notice to the Inspecting Officer. It shall remain posted for the first fifteen working days of the school year, after which it shall be taken down and preserved in the school records. All examination papers, answer papers and mark lists shall be preserved for one month after the re-opening.

58. Teachers shall not claim casual leave as a matter of right.

59. Headmasters shall be required to devote at least an hour a day for the supervision of the work of assistant masters, for which they will keep a supervision book.

60. The Headmaster of every school shall issue a terminal report on the progress of each pupil to his parent or guardian in Form No.

CHAPTER VI.

Hostels.

61. The Director may, in the case of high schools and Colleges located in places which do not possess residential facilities, call upon the management to make suitable provision in the shape of hostels or licensed lodgings. When hostels are put up under orders of the department Government will contribute either

(a) a third of the cost of erection, or .

(b) Rs. per month in respect of each pupil in actual residence.

62. Hostels shall be subject to periodical inspection and shall work under the rules prescribed in each case.

63. Hostels shall be inspected by the Inspecting Officers of the department and by the Medical Inspectors and any deficiency or defect reported to the Director of Public Instruction.

CHAPTER VII.

Admission and Transfer Rules.

64. Except in the case of primary schools, girls' schools shall be open to girls only and boys' schools to boys only. For the admission of girls in secondary schools for boys, and *vice versa*, the special sanction of the Director should be obtained.

65. Pupils shall ordinarily be admitted once a year within the first three weeks of the reopening of schools, after which no pupil shall be admitted without the special sanction of the Director. Applications for admission should be made, on a printed form, Form No. by the parent or guardian, *who should authorise the admission in person or by letter. The name of the parent or guardian must be registered, and in all matters concerning pupils, no other person will be recognised.* The correct age of the pupils must invariably be entered. No pupil shall be admitted who is suffering from any contagious or communicable disease, or who has been debarred from admission to a recognised school by any notification issued by the Director. In the case of pupils not protected from small-pox, one month's time from the date of admission shall be allowed for vaccination.

66. A pupil on joining a school shall give his correct name. Change of name may afterwards be allowed by the Director for good reasons and on payment of a fee of one rupee.

Note.—Depressed class pupils who change their names in consequence of a change of faith are exempted from the operations of the above rule.

67. Satisfactory evidence of age in the case of new pupils shall be produced before admission or within seven working days after admission. An age once entered can be altered only with the sanction of the Inspecting Officer and on payment of a fee of three rupees.

Note.—The Headmaster of a school may, on application, issue a certificate in Form No. based on the school register as to the age of a pupil, on payment of a fee of rupee one.

68. The strength of a class shall not exceed 45, except with the special sanction of the Director.

69. A pupil *before he is admitted to a School* will be required to produce a certificate which shall be in counterfoil and in Form No. from the Headmaster of the last school in which he was reading. A pupil who joins for the first time having never been in a school before, shall be required to join at the re-opening of the school year, provided that if he joins at another time with the sanction granted by the Director, he shall be admitted only on payment of the full annual fees for the course to which he is admitted.

Note.—*No certificate should be received or treated as valid if it is not in the authorised printed form supplied by the department, and signed by the Headmaster or Headmistress.*

70. *Bona fide* private pupils seeking admission into a class or form may join a school, a month before the last terminal examination, and appear for the examination on payment of an admission fee of Rs. 5 in the primary department of English schools and Rs. 10 in the lower secondary department. No such fee will be levied in Malayalam schools.

Note.—Pupils, who, after a period of attendance at school and a long absence, desire to present themselves for promotion examinations, will be permitted to do so as 'private pupils' provided that they have been away from school at least one year and with the restriction that they can ordinarily be allowed to sit for the promotion examinations of one class lower than they would have done, had they attended regularly and obtained promotion year by year, but not lower than the class in which they last studied. In the case of a pupil seeking re-admission into the primary department, the Inspecting Officer concerned may sanction his re-admission to the class to which he might have risen had he regularly obtained promotion year after year.

71. Application for transfer certificates shall be made by the recognised guardian, in person or in writing, at the end of a term, or in the interval between two terms or before the last day for the payment of the fees for the first instalment of a term. The certificate shall be issued forthwith provided no fee is due from the pupil for the term in which his last attendance is registered.

In the case of a pupil of the primary department it is enough to levy the fee for the month in which his last attendance is registered.

Note.—Duplicate certificates may be issued for good reasons and on payment of two rupees.

72. Pupils coming from schools outside the State may be admitted into the classes for which their transfer certificates entitle them, provided the Heads of schools concerned are satisfied of the standard of the institutions they come from.

73. A pupil coming for admission shall not ordinarily be placed in a class higher than that to which he was promoted in the school he left.

Note.—When pupils from Vernacular schools are admitted into English schools, they should be placed two classes lower, but they may have the benefit of half-yearly promotions.

Pupils from English schools may be admitted into Vernacular schools in the same class; but they will be treated as *bona fide* private pupils as regards English for which they may be allowed to appear privately at the annual examination on payment of the fee prescribed in Article . Pupils who fail to get promotion in English schools and who wish to join Vernacular schools may be admitted in the next higher class in Vernacular schools provided they have failed only in English and not in any other subject.

74. In case a pupil is dismissed or formally expelled on account of grave misconduct, the Headmaster shall record his reasons for the dismissal or expulsion, and report the fact at once to the parent or guardian of the pupil, and within seven days to the Inspecting Officer concerned. A pupil thus dismissed or expelled from one school shall not be admitted into any recognised school within a period to be fixed by the Director.

75. If a pupil's name is struck off for non-payment of fees, he shall not receive a certificate until he has paid all the dues.

76. Attendance at a non-recognised school between leaving a recognised one and applying to enter another does not dispense with the necessity of complying with the provisions of Article

77. If a pupil be found to produce a false certificate or to make a false statement as to his attendance at any school, the Director may debar him for a period not exceeding one year from admission to any examination.

78. A pupil leaving a recognised school during the year with the sanction of the Inspecting Officer for good reason and joining another school, shall pay only the balance of the year's fee in the school which he joins.

79. Wilful transgression of any of the foregoing rules will render a school liable to suspension, reduction, or withdrawal of grant or withdrawal of recognition.

CHAPTER VIII.

Vacation and Holidays.

80. The following vacations are fixed for all schools—Government or aided:—

- (1) Onam vacation—one week, the exact dates being notified by the Director.
- (2) Christmas vacation—two weeks, from 22nd December to 5th January.
- (3) Summer vacation—from the last day of March to the first Monday after the 29th May. The Director may in the case of schools in special tracts fix other vacations to suit local conditions in lieu of the summer vacation, subject to the restriction laid down in Article

81. The minimum number of days of work during the year in all schools shall be 180. The Director may in special circumstances condone any shortage of working days not exceeding a fortnight.

82. The following holidays shall be observed by all schools in addition to the holidays notified in the Government Gazette from time to time.

Attachamayam	...	1 day
Vinayakachaturthi	...	1 day
Upakarmam or Avaniavittam	...	2 days
Ashtami Rohini	...	1 day
Navarathri	...	3 days
Deepavali	...	1 day
Sivaratri	...	1 day
Vishu	...	1 day
Karkadaka Sankramam	...	1 day
Karkadaka Amavasi	...	1 day
Corpus Christi	...	1 day
Easter	...	3 days
Maharaja's Birthday	..	1 day
King's Birthday	..	1 day
Solar Eclipse	..	1 day
Inter-school Sports	..	2 days
Mohurrum	..	3 days
Bakrid	...	1 day
Ramzan	..	1 day

To girls' schools, a day's holiday shall be allowed on Ayiliamakam and biruvathira also.

CHAPTER IX.

Fees, Fee concessions and Scholarships.

83. The rates of fees prescribed in this chapter shall be followed by all schools, both Government and aided. No extra levy shall be made under any name or pretence, unless authorised by general or special orders of Government.

84. No fees shall be charged in Malayalam schools to any pupils, nor shall any fee be levied in English school from pupils belonging to the Depressed Classes. The children of Government servants dying in harness shall on production of satisfactory evidence be given free education by the Director till they complete the School Final course provided they get regular promotion.

N. B.—Free education means exemption from payment of fees of all kinds.

In English schools the rates of fees for other pupils shall be as follows.—

Primary Department—Class 1:—4 annas, Class 2:—6 annas, Class 3:—9 annas and Class 4:—12 annas monthly.

Preparatory Class—Rs. 2 monthly.

Lower Secondary Department—Forms I, II and III:—Rs. 24 per annum.

Upper Secondary Department—Forms IV, V, and VI:—Rs. 42 per annum.

College Department—Intermediate Class:—Rs. 84 per annum. B. A. Class:—Rs. 112 per annum.

N. B.—If fees are paid for the whole year in a lump sum in advance, the annual fees for the Intermediate Class will be only Rs. 80 and that for the B. A. only Rs. 106.

Notes.—1. Special fees shall be levied in these departments at the following rates:—

	L. S. D.	U. S. D.	College Department. (Intermediate and B. A. Classes.)
Library fees	8 as.	Re. 1.	Rs. 2 per annum.
Sports fees	4 as.	8 as.	Re. 1 do
Stationery fees	8 as.	Re. 1.	Rs. 2 do
Fees for medical Inspection			Re. 1. (This need

be collected only from the 1st and 3rd class students.)

N. B.—(1) In addition to the special fees, students in Groups I and II of the Intermediate Classes shall pay an annual fee of Rs. 5 towards laboratory fees. In the B. A. Classes students of Group II A, II B and III B shall pay Rs. 10 per annum towards laboratory fees, while the laboratory fee of the students of Group I shall be only Rs. 5 for the 1st year only. The laboratory fee is payable along with regular fees for the second instalment of the first term and shall be collected only from those students whose names are on the rolls on the date of payment. Special fees and laboratory fees shall not be counted in fixing arrear demand from a student.

(2) In the case of students seeking admission to the Senior Intermediate or Senior B. A. Class during the second or last term of an academic year special fees shall be levied at half rates only.

2. Half the standard rates of fees shall be levied from girls, pupils in model schools attached to training institutions and pupils belonging to backward castes or classes in cases where such pupils are certified by competent authorities, to the satisfaction of the department, to be really poor and unable to pay full rates.

N. B.—A certificate of poverty issued by the local School Board or by the Education Committee of the local Municipality shall be considered sufficient authority for the purpose of this note.

3. Nambudiri pupils who produce a certificate of poverty from the Head of the school in which they are studying to the effect (i) that they are really poor and are unable to pay full fees, or (ii) that they do not receive any financial help from their guardians for their school studies will be exempted from payment of regular fees. This concession will remain in force for ten years.

4. These concessions will not be allowed for more than two years to the same student, in the same class.

5. No fee shall be charged from Nambudiri girls in Malayalam and English primary and secondary schools.

6. A class or community shall be styled as backward or depressed only from the standpoint of literacy, and the term backward classes shall include:—

Paramban	Chaliyan	Kudumi
Chakkilyan	Kakkalan	Panan
Vathis	Kaikolan	Chadan
Devadasis	Kaniyan	Karuvan
Tharakan	Ottanaikan	Chakkan
Arayan or	Theendal Thattan	Barber
Mukkuvan	Velakkathalavan	Kadupattan
Devangan	Asari	Vanyars
Pandithattan	Kollan	Kusavan
Velan	Ezhuthassan	Pandaran
Muhammadas	Chovan	Veluthedan
Jew	Kammalan	Meosari
		Kallan
		Koravar
		Thottiar
		Theendal Vannans
		Vadukans

The term depressed classes shall include:—

Kanakkan	Vettuvan	Pulayan
Malayan	Nayadi	Ullatan
Sambayan	Kadar	Pulluvan
		Kavara

and such other communities as may, from time to time, be declared by Government to be backward or depressed.

Note:—In the case of children of the backward and depressed classes attending a school a change of religion will not make them ineligible for the concessions enjoyed by them.

Converts to other religions from the communities classed as backward or depressed shall be eligible for all the educational concessions granted to the respective communities.

N. B.—Converts should produce certificates of conversion from the authorities of the Church or Mosque or from the Arya Samaj Adhikari or Buddhist priest or any other religious head by whom the conversions have been effected to show that they are themselves converts.

7. In the case of a student of the Senior Intermediate Class or the Senior B. A. Class, who attends only for one of the two parts, half the amount of the prescribed fees alone shall be levied, but no concession shall be allowed in the matter of special fees.

N. B.—Girls studying for part course only in the Intermediate and B. A. classes shall pay only half of the full course fees levied from boys.

8. In the case of a student of the Senior Intermediate Class or the Senior B. A. Class who appears for the September Examination fees for the first term (three instalments) only shall be levied.

9. In the case of a student seeking admission to the Senior Intermediate Class or the Senior B. A. Class after having failed in the September Examination, only half the year's fee shall be levied.

10. In the case of students of the Maharaja's College, Ernakulam, who fail in Part II of the B. A. Degree Examination and who wish to do any practical work in the College Laboratories with a view to appear for the next examination, a fee of Rs. 10 per term shall be levied for the use of the laboratories besides the caution money of Rs. 12—8—0 which they should deposit in the treasury on the date of admission and from which deductions will be made for breakages. This concession shall not apply to students of other Colleges.

11. If a boy in the primary department does not attend school throughout the whole of a month, no fee need be levied from him for that month.

12. If a boy in the secondary department does not attend school throughout the whole of a term, no fee of any kind need be levied from him for that term.

85. An admission fee of 8 annas in the primary department of English schools, of Re. 1 in the lower secondary, of Rs. 2 in the upper secondary and of Rs. 3 in the college departments shall be levied,

In the case of *bona fide* private pupils seeking admission into the primary and lower secondary departments, an admission fee of Rs. 2 and Rs. 5 respectively shall be levied.

In Malayalam schools a fee of six annas shall be levied for re-admission only. In the case of pupils in Malayalam schools whose names are removed from the rolls the fact shall be reported to the School Board and to the schools within its jurisdiction. Such pupils shall pay a fee of annas six should they seek admission in any other school.

An admission fee of one rupee per pupil shall be collected from private pupils joining the Commercial Classes attached to high schools unless their names are on the rolls of the school on the date of admission, in which case no admission fee need be levied.

Note.—No admission fee shall be levied from a pupil transferred from one school to another owing to the official transfer of the parent or guardian, the Head of the school being competent to grant the concession.

86. The school year shall be divided into three terms to be called the Onam, the Christmas and the Summer terms. Every pupil shall be liable to pay the whole fee for a term during any part of which he actually attends the class, unless he or she applies for a transfer certificate within the first five working days of the term. The fee, or the instalment thereof payable, shall be paid by a new pupil before his name is enrolled, and by an old one not later than the dates fixed for the collection of fees of the term. A pupil shall not be enrolled or admitted after the beginning of a term until after he has paid all fees or instalments of fees which he would have had to pay, had his name been on the rolls from the beginning of the term. If paid in instalments the fees shall be realised not later than the tenth of Karkadagam, Chingam, Kanni, Thulam, Vrischigam, Makaram and Kumbham and when the tenth happens to be a holiday not later than the next working day in the month. The Edavam instalment shall be collected not later than the 5th working day of the month. There shall be three instalments in the first term in the months of Edavam, Karkadagam and Chingam, three in the second term in the months of Kanni, Thulam and Vrischigam, and two in the third term in the months of Makaram and Kumbham. Special fees shall be paid along with the first instalment of fees for the first two terms—half being paid at the beginning of the first term and the other half at the beginning of the second term. In the primary classes, fees shall be paid monthly from Mithunam onwards not later than the tenth of each month and when the tenth happens to be a holiday not later than the next working day two months' fees being levied in Meenam to make up for the vacation month of Medam. The Edavam fee shall be collected not later than the 5th working day of the month.

These rules shall apply to the College Department as well, except that the three terms of the college year shall be called the Michaelmas (from June to September), the Christmas (from October to December) and the Easter (from January to April) terms, and that the payment of fees in instalments from the second onwards shall be made not later than the fifth working day of each of the succeeding English months, instead of the Malayalam months. The Principal may notify the date on which each instalment of fees shall be paid, and he is authorised to alter the date of payment of fees in the college classes under special circumstances.

The fees for each of the Intermediate and B. A. classes of the College shall be Rs. 84 and Rs. 112 respectively per annum payable in 8 equal instalments, three in the first term in the months of June, July and September, three in the second term in the months of October, November and December, and two in the third term in the months of January and February.

Every student in the college classes shall be liable to pay the fee for the whole term during any part of which his or her name is on the rolls.

Note.—In *bona fide* cases where admission is sought for professional or Honours courses in Madras and elsewhere, the Principal of the Maharaja's College, Ernakulam, is empowered to issue transfer certificates collecting only as many instalments as may fall due on the date of leaving.

Fee for the whole term shall be levied from students who may leave the College to take up courses for which provision has been made in this College.

87. If the fees are not paid within the time specified a fine of annas two per week shall be charged for late payment of fees up to a maximum of annas four in the primary department of English schools, of annas four per week up to a maximum of annas eight in the lower secondary department, of annas eight per week up to a maximum of Rs. 1-8-0 in the upper secondary department and of annas two per day up to a maximum of Rs. 3 in the college classes. If the fees are not paid by the end of these periods, the student's name shall be removed from the rolls, and he or she will be re-admitted only on payment of all the arrears and re-admission fees.

Note.—1, Private pupils taking commercial subjects will be treated like pupils of the secondary department in the matter of collection of fees, arrear fees, etc.

88. If a pupil withdraws during the year, he shall on re-joining pay a re-admission fee equivalent to the admission fee.

89. A pupil who leaves during the year shall have no right to claim a remission of any portion of the fee paid.

90. Managers or Headmasters of schools are required to keep a receipt book in cheque and counterfoil, and to issue signed receipts for all fees paid.

Scholarships.

91. *A. Open Scholarships.*—These shall be open to everybody of whatever class or sex and shall be awarded annually as follows:—

1. One Senior University Scholarship of the monthly value of Rs. 20 tenable for three years for the Honours course in any of the colleges approved by Government or of Rs. 15 tenable for two years for the Pass course in any of the State colleges, to the best student who passes the Intermediate Examination from a college in the State.

2. Six Junior University Scholarships of the monthly value of Rs. 10 each tenable in any college in the State for two years will be awarded to the first six students who pass from a recognised high school in the State School Final Examination. Of these, one will be reserved for a girl who obtains the highest number of marks among girls in the School Final Examination, provided she obtains not less than 50 per cent of the total marks.

Note.—In the case of a candidate appearing for more than one optional subject in the School Final Examination, the optional in which the candidate gets the highest number of marks will be taken to consideration for purposes of deciding first class and scholarships.

3. Ten Upper Secondary Scholarships of the monthly value of Rs. 5 each tenable for three years in any upper secondary school in the State.

4. 25 Lower Secondary Scholarships of the monthly value of Rs. 3 each tenable for three years in any lower secondary school in the State.

The last two shall be awarded on the results of a special Scholarship Examination to be held for the purpose.

B. Scholarships special to members of Backward or Depressed Classes.—A similar number of scholarships as in *A* shall be given annually to deserving pupils of the backward or depressed classes; but the stipends in the case of the Senior University, the Junior University, upper secondary and lower secondary classes shall be reduced to Rs. 8, Rs. 6, Rs. 3 and Rs. 2 respectively making allowance for the half rate of fees charged to members of backward classes and free education permitted to members of the depressed classes.

A. B.—The value of the Senior University Scholarship, will be Rs. 20 for the Honours course in any of the colleges approved by Government.

Note.—1. Out of the 25 Lower Secondary Scholarships, 6 will be reserved exclusively for pupils of the depressed classes.

2. All the depressed class pupils studying in the lower secondary, upper secondary and college classes shall be given stipends of Rs. 2, Rs. 3 and Rs. 10 respectively.

C. Scholarships special to Muslims only.—1. One scholarship of Rs. 20 a month tenable for three years for the Honours course in any of the colleges approved by Government or of Rs. 15 a month tenable for two years for the Pass course in any of the State colleges will be given annually to the best Muslim boy who passes the Intermediate Examination from a college in the State.

2. One scholarship of Rs. 30 monthly tenable for four years will be given in alternate years to a promising Muslim boy from the State who has passed the School Final Examination to enable him to join the Muhammadan University at Aligarh.

Note.—In the absence of School Final applicants, the scholarship may be awarded to the best Muslim candidate from the State who has passed the Intermediate Examination. In this case the scholarship will be tenable for two years only.

3. Every Muslim girl in the primary, lower secondary or upper secondary classes of English schools in the State will be given a monthly stipend of annas 9, Rs 3 and Rs. 5 respectively. Every Muslim girl studying in the Intermediate and B. A. classes in any of the colleges in the State will be given stipends at the rate of Rs 8 and 10 respectively.

4. Every Muslim boy reading in the college or upper secondary classes of any institution in the State will be given a stipend of Rs. 6 and Rs. 3 respectively. This stipend will not however, be given to a student who is granted a scholarship under clause (1) above.

Note:—Stipends shall be forfeited at the closing of schools for the mid-summer vacation, if the pupils are prevented from sitting for the annual examination by their failure to put in the required attendance.

D. Scholarships special to Nambudiris.—1. Every Nambudiri girl in the primary, lower secondary or upper secondary classes of English schools in the State will be given a monthly stipend of annas 8, Rs. 3 and Rs. 5 respectively.

2. Every Nambudiri boy reading in the college or upper secondary classes of any institution in the State will be given a stipend of Rs. 6 and Rs. 3 respectively.

E. Scholarships special to women.—1. A literary scholarship of Rs. 20 a month tenable for three years for the Honours course in any of the colleges for women approved by Government, or of Rs 15 a month tenable for two years for the Pass course in the Maharaja's College or in the St. Teresa's College, Ernakulam, will be given annually to the best lady student who passes the Intermediate Examination from a college in the State.

2. The Lady Willingdon Scholarship will be given annually to the most deserving Cochinite girl student passing the Intermediate Examination, to enable her to continue her studies for the B. A. The value of the scholarship will be Rs. 15 per mensem, tenable in the Maharaja's College or in the St. Teresa's College, Ernakulam and Rs. 20 per mensem, tenable in one of the Women's Colleges in Madras, or in the Presidency College for the Honours course. The Director's choice will be final provided the student chosen is certified to be in need of financial assistance by a competent authority. It will be tenable for the minimum period required for taking a degree either in the Pass course or in the Honours course.

3. Twelve Upper Secondary Scholarships of the monthly value of Rs. 5 each tenable for three years in any upper secondary school in the State will be awarded to promising girls who have been promoted from the III Form and have to proceed elsewhere to join the IV Form.

F. Half-free Scholarships.—1. Six half-free scholarships tenable for two years in any College in the State will be awarded on the results of the School Final Examination to boys coming from any recognised school in the State.

2. Fifty half-free scholarships tenable for three years in any upper secondary school in the State will be awarded on the results of the special Scholarship Examination held under Article 93.

3. Fifty half-free scholarships tenable for three years in any lower secondary school in the State will be awarded in the same manner as No. (2) above.

These half-free scholarships entitle the holders thereof to remission of half the ordinary fee referred to in Article 84, but they will be liable to pay in full the special fees prescribed in Note 1 to Article 84 and the admission fees prescribed in Article 85.

These half-free scholarships are reserved for *bona fide* Cochinites and for pupils whose poverty is proved to the satisfaction of the Director of Public Instruction and are subject to the conditions in rules (2) to (4) and (6) and (7) prescribed for scholarship holders in Article 95.

92. Scholarship bills shall be submitted monthly by the Headmaster of the school for countersignature by the Director in Form No. and the amounts should be disbursed to the holders as soon as the bill is cashed.

The stipends provided in Article 91-C (3) and (4) and 91-D (1) and (2) shall also be disbursed monthly.

93. The examination referred to in the last para of Article 91-A shall be conducted annually by the Board of Examiners appointed and shall be held annually in April or May at recognised centres. Obviously unfit pupils shall be discouraged by Headmasters from sitting for the examination.

94. The candidates shall be required to answer the following papers:—

(1) A paper of two and a half hours' duration in English including composition and translation from Malayalam or a modern language to English.

(2) A paper of two and a half hours' duration in general knowledge, and

(3) A paper of two and a half hours' duration in Arithmetic.

Each paper will carry 100 marks. No pupil will be eligible for a scholarship who does not obtain in the aggregate 150 marks.

95. Scholarships are awarded under the following rules.—

(1) The holders shall pay their tuition and other fees.

(2) They shall be conditional on good behaviour and progress. Failure to gain annual promotion means forfeiture of the allowance.

(3) If not availed of at the beginning of the school year they shall be forfeited.

(4) When the holder leaves one school and joins another with the sanction of the Director, the scholarship shall be tenable in the latter school.

(5) Each holder shall acknowledge receipt of his allowance in an acquittance roll book.

(6) Holders absent for more than three months for *any cause whatsoever*, shall render themselves liable to forfeit their allowances. All such cases must be reported to the Director.

(7) Scholarships are given only to *bona fide* Cochinites. In doubtful cases the decision of Government will be final.

(8) All scholarships and stipends shall cease with the examinations at the end of the courses for which they are allowed.

These rules, excepting clause (3) shall apply to all kinds of stipends as well.

CHAPTER X.

Standards of Examination.

96. The following rules are prescribed:—

(1) No pupil shall be promoted from one standard to another, till he or she has passed by the lower standard, and has paid his or her fees due in full.

(2) Boys and girls, who do not intend to go up for the Matriculation Examination, shall follow a special course, from Form IV upwards, under the School Final Certificate system. The course will comprise the subjects laid down for the School Final Certificate as given in Volume II.

(3) All subjects except English, Geography and Mathematics in the lower secondary department, shall be taught in Malayalam.

(4) No pupil shall ordinarily be promoted who has not gained at least 40 per cent of the total number of marks both in English and Malayalam and 35 per cent in each of the other subjects in the annual examination.

The annual examination, however, shall not be the *only test* for promotion from one class to another. The general progress of the pupil during the year as judged by schoolwork, as, for example, occasional tests, as approved in the Dalton Plan, shall likewise be taken into account in determining promotion.

(5) All Public Examinations in the State shall be conducted by a General Board of Examiners to be appointed annually by Government.

CHAPTER XI.

The School Final Certificate.

97. Certificates shall be awarded on the completion of their secondary school course to boys or girls, who have attended a recognised secondary school from the Fourth Form upwards and have attended each of these Forms for the full number of days required by this Code.

Note.—Trained teachers who have failed in Form V or IV but who still desire to improve their literary qualification will be allowed to appear for the Special Examination for teachers if they have previously put in not less than 3 or 4 years' continuous teaching service respectively in recognised schools of the State.

98. The certificates shall be awarded by the Board of Examiners on the results of written examinations held once a year.

99. The certificate shall take into account the school work done by the pupils from the Fourth Form upwards, and shall also contain, the results of the Public Examination conducted by the Board.

100. Every pupil on entering the Fourth Form shall be provided with a blank certificate, in the form given in Volume III, to be kept in the custody of the school as long as he or she remains there, the entries in the certificate for each term being made in due course by the Headmaster.

Note.—The certificate is the property of the pupil and shall be delivered up to him or her when he or she quits the school.

101. At the end of the course, the Headmaster or Headmistress shall forward to the Secretary to the Board the certificates of such of his pupils as wish to appear for the Public Examination.

102. No pupil shall appear for the Public Examination unless he or she is fifteen years of age on the first day of the examination. The Director of Public Instruction may grant exemption in special cases.

103. The fee for admission to the examination shall be twelve rupees.

104. The Public Examination shall include the subjects of Group A, and any one or more of the subjects of Group C as specified in Volume.

105. The marks obtained out of a maximum of 100 in each subject at this examination shall be entered by the Board on the last page of the certificate and issued under the signature of the Secretary and the Board shall also be competent to moderate the marks obtained in school work except those obtained in the subjects of Group B in conformity with the principles laid down by the University.

106. The certificates thus filled in and completed shall be returned by the Board to the Headmaster or Headmistress of each secondary school for delivery to those who are leaving the school.

Note. 1.—Duplicate certificates may be issued for good reasons and on payment of a fee of Rs. 5 by the Secretary to the Board.

Note. 2.—The Secretary to the Board of Examiners may, on application, issue a certified extract of the public examination marks of a candidate on payment of a fee of rupee one.

107. The certificate of a pupil who is not, in the opinion of the Headmaster or Headmistress, competent to appear for the public examination shall, if he or she is leaving the school be endorsed to that effect over the Headmaster's or Headmistress' signature.

108. If a pupil wishes to improve his or her certificate whether in regard to its quality in one or more subjects already brought up, or by bringing up additional subjects under Group C, he or she may sit for the examination as a private candidate, if he or she has appeared once for the public examination from a recognised school in the State and failed to complete his or her certificate. In such cases, the words "appeared as a private candidate" shall be endorsed on the certificate.

109. The fee for the re-examination shall be Rs. 12, if the candidate appears for all the subjects of Groups A and C in which he or she has already been examined by the Board and if otherwise Rs. 9 for any or all the subjects under Group A and Rs. 4 for each subject under Group C. In either case, a further endorsement shall be made on the pupil's original certificate with regard to his or her progress in a manner similar to that laid down for the entries in the original certificate.

110. At the beginning of each school year, the Headmaster or Headmistress of each recognised secondary school presenting pupils for the examination shall prepare a preliminary list of pupils on the rolls who intend applying at the close of the school year, with the subjects they take up, and shall forward it to the Secretary to the Board.

111. Not later than the 1st of March every year, the Headmaster or Headmistress shall prepare a final list of those pupils whose names are on the revised list, and whom he or she considers as qualified to appear for the March examination. No pupil shall be sent up who has not kept the full attendance required by the Code or whose progress and conduct have not been satisfactory.

Note.—Pupils of Form VI need put in only an attendance of 75 per cent of the total number of working days in the year, attendance being calculated up to the date of despatch of the S. S. L. C. books from each secondary school to the Secretary to the Board of Examiners.

112. In subjects in which regular instruction is not given at school, the school marks of a candidate need not be entered in the school record. The admission of such candidates should have the previous sanction of the Director.

CHAPTER XII.

The licensing of teachers.

113. No person shall be permitted to teach in any school in the State unless he possesses the qualifications herein prescribed and holds a license granted by the Director, in Form No

Exception 1:—Teachers of the primary classes who were licensed on or before 1st Chingam 1108 are exempted from the general qualifications prescribed below and will be permitted to teach according to their licenses but the licenses shall lapse if they fail to qualify professionally within the time allowed by the Code.

Exception 2:—Persons possessing the requisite general qualifications, but not the professional qualifications, may be permitted to teach in schools on their obtaining a temporary permit from the Director. Such temporary permits will be valid only for one year after completion of the training course in the case of graduate teachers and for three years after completion of the training course in the case of non-graduate teachers and will become automatically void on the expiry of the period, before which the holders should get themselves professionally qualified.

The minimum qualifications of teachers shall ordinarily be:—

Class or Form	General qualifications	Professional qualifications
Classes 1 & 2 (Malayalam Schools),	S. S. L. C. complete of the Cochin State	Secondary trained.
Classes 3 & 4 (Malayalam Schools)	do	do
Classes 1 to 4 (English Schools)	do	do
Forms I, II & III	S. S. L. C. complete of the Cochin State for Matriculation	do
Forms IV, V & VI Specialists.	B. A.	L. T. trained.
Sanskrit Pandit	....	Bushana of the State or Siromani
Malayalam Pandit	....	Pandit's Examination or Vidwan
Drawing Master—Primary Department	Class 4 of the Cochin State	Freehand Outline and Model Drawing and any one of Painting, Designing and Geometrical Drawing, Lower Grade.
Drawing Master—Lower Secondary Department	Form III of the Cochin State	Freehand Outline and Model Drawing, Painting, Geometrical Drawing and Design (Lower Grade)
Drawing Master—Upper Secondary Department	do	Group certificate in Drawing (Freehand Outline and Model Drawing (Higher Grade), Geometrical Drawing (Lower), Designing (Lower) and Painting (Lower).
Drill Master	....	Gymnastic Examination.
Music Teacher—Primary Department	....	Lower Grade Music Examination of the State.
Do Secondary Department	....	Higher Grade Music Examination of the State.
Needle-work Teacher—Primary Department	Class 4 of the Cochin State	Needle-work and any two of the following, viz., Knitting, Embroidery, Crochet or Pillow lace.
Do Secondary Department	Form III of the Cochin State	Needle-work and any three of the following—Knitting, Embroidery, Crochet or Pillow lace.

N. B.—Drawing Masters should also pass the practical examination conducted by a Board constituted for the purpose.

Note.—The Director may at his discretion accept examination equivalent in his opinion to the tests prescribed above.

114. Application for licenses shall be made in Form No.

Note.—1. Duplicate licenses may be issued for good reasons and on payment by the applicant of a fee of Rs. 5.

Note.—2. A fresh license may be issued free of charge when the old one is worn out.

115. In no case shall a license be issued in favour of a person whose age is less than 18 years or who is physically unfit to teach.

116. When first granted, the license shall be retained by the Director until the person in whose favour it is granted is appointed as a teacher. On appointment, the license shall be forwarded to the Headmaster or Headmistress in the case of Government schools or to the Manager in the case of aided schools. If the license is in favour of a Headmaster or Headmistress or of a Headmaster or Headmistress who is also the Manager, it shall be retained by the Inspecting Officer.

117. If a teacher has been dismissed for any fault or has left the service of the school in such a manner as to infringe the conditions of that service, the license shall be recovered and forwarded by the Inspecting Officer to the Director.

118. No teacher shall be dismissed from any aided school without the previous sanction of the Director whose decision shall be final.

119. The Director may suspend or cancel a license if the person in whose favour it has been issued—

- (1) is not protected from small-pox;
- (2) becomes physically unfit to teach;
- (3) has been judicially convicted of any offence involving dishonesty or immorality;
- (4) has given incorrect information or wilfully suppressed information in his application for license;
- (5) is, for any continuous period exceeding two years, not engaged as a teacher in a recognised school;
- (6) permanently undertakes teaching of any kind which is not permitted by his license or private tuition without the written permission of the Headmaster;
- (7) is known to serve as a teacher in an unrecognised school, which violates the conditions of the Code in such manner as to do injury to the public interest, and refuses or fails to withdraw from such service within thirty days of his having been warned to do so;
- (8) is found to suffer from any contagious or communicable disease;
- (9) wilfully infringes any condition of service in the school wherein he is employed;
- (10) behaves in any manner unbecoming a teacher and a gentleman;
- (11) is offered a stipend or scholarship of an amount considered to be reasonable, in a recognised training school or other recognised institution, for the purpose of undergoing a course of training or instruction, and refuses or fails without reasonable cause to attend such course;
- (12) engages in any trade, business or occupation which is incompatible with the efficient discharge of his duties as a teacher;
- (13) is, directly or indirectly, solely or in conjunction with others, the editor or proprietor of any newspaper, magazine or periodical, other than a purely scientific or educational publication, without the written sanction of the Director;
- (14) takes any part whatsoever, in any agitation directed against the authority of Government, or in any movement or agitation of any kind, which may be accompanied by or result in ill-feeling between different sections of any community or gives expression in any way to opinions that may excite feelings of disloyalty or disaffection;
- (15) advises, encourages, or permits pupils in any school to attend any meeting of a political character, or any meeting, assembly, entertainment or occasion where the proceedings are not such as are calculated to be edifying to persons of immature mind.

120. If the Director refuses, suspends or cancels a license, an appeal shall lie to Government, provided that the appeal is preferred within thirty days from the date of receipt of the order.

121. Teachers in aided institutions to whom licenses have been issued under the foregoing provisions shall be eligible for the benefit of such pension or provident fund for teachers as may be instituted by Government.

122. A teacher in a recognised school in another State or Province, desiring employment in a recognised school in this State, shall forward his application through the controlling authority of the school and the Head of the Department, and such teacher shall not be appointed unless he or she satisfies the conditions in regard to length of service and other points agreed upon at the time of his or her appointment.

CHAPTER XIII.

Training Schools.

123. The rules under which Training schools for general education are conducted are given below:—

(1) The minimum qualification for admission is a pass in the Matriculation or the School Final Examination for the Secondary grade, and the completion of Form VI course for the Elementary grade.

(2) The period of training shall be one year irrespective of previous teaching experience and other professional qualifications.

(3) Tuition shall be ordinarily free and stipends at the following rates shall be paid:—

Secondary.—Half the permanent or presumptive pay at the time of deputation subject to a minimum of Rs. 20.

A Sanskrit College is also maintained where instruction is imparted in Kavya and Sasthra and students are prepared for the Kavya and Bushana Titles Examinations.

Rules regarding admission, attendance, hours of work and holidays, stipends, curricula, courses of study, examinations, etc., will be found in Volume

(2) *School of Music and Painting.*—In this school provision is made for both vocal and instrumental music and for the teaching of painting.

Curricula, courses of study, examination, etc., will be found in Volume

(3) *School for Defective children.*—A separate section will be attached to the Government Training Institution for the education of defective children. The curricula will be found in Volume

(4) *Montessori Class.*—For children below 5 years of age a Montessori class will be attached to the primary department of the Training Institution. A fee of 8 annas per mensem will be levied from these pupils, they being exempted from the ordinary rules regarding admission, withdrawals, attendance and fees. For readmissions a sum of annas 3 will be charged.

CHAPTER XVIII.

Vocational Schools.

146. Vocational schools shall be of three grades or types namely (1) Technical Institutes, (2) Central Industrial Schools and (3) Rural Industrial Schools.

147. (1) The Technical Institute provides for the teaching of Textile and Chemical Technology and for a full course in Mechanical and Electrical Engineering. Provision will also be made for instruction in subordinate courses for draftsmen, surveyors, e'c., in the Civil branch of Engineering. There will be an Arts and Crafts section also attached to the Institute. The curricula and courses of study, etc., will be found in Volume

(2) The Central Industrial schools provide for higher studies in the major industries such as weaving, carpentry or cabinet making, smithy, agriculture, dairy farming, bell-metal, needle-work and millinery and also in minor industries such as mat-making, rattan works, sericulture, apiculture, coir works, poultry farming, laundry, embroidery, knitting, lace making, crochet works, bead works, etc., and for specialisation in them. The curricula and courses of study will be found in Volume

(3) Rural Industrial schools provide for teaching the major and minor industries in the lower grade. The curricula will be found in Volume

N. B.—Music will also be taught in Girls' Industrial schools.

(4) *School of Commerce.*—In this school provision will be made for the teaching of commercial subjects and coaching students for the Diploma and Degree Examinations. The curricula will be found in Volume

148. Rules regarding admission, attendance, hours of work and holidays, fees, stipends, examinations, etc., of vocational and commercial schools will be found in Volume

REPORT

OF THE

EDUCATION SURVEY COMMITTEE

COCHIN STATE



ERNAKULAM:

PRINTED AT THE COCHIN GOVERNMENT PRESS;

1934.

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REPORT OF

The Educational Survey Committee.

In the Diwan's Proceedings D. 2. 1249/06, dated 8th July 1933, Government were pleased to appoint the following Committee to consider the various recommendations contained in the Educational Survey Report of the Director of Public Instruction published for general information in the Cochin Government Gazette, dated 18th Vrischigam 1108.

Constitution.

1. M. R. Ry. S. K. Subramania Ayyar Avl., M. A., L. T., Retired Principal, Maharaja's College—President.
2. H. H. Rama Varmha Tampuran, M. A., B. Sc., Bar-at-Law, Secretary to the Diwan.
3. The Rt. Rev. Mgr. M. Edakolathur, Secretary, Cochin Aided School Managers' Association.
4. M. R. Ry. V. K. Achyuta Menon Avl., B. A., L. T., Retired Chief Inspector of Schools.
5. M. R. Ry. Marayil Krishna Menon, Avl., B. A., M. L. C., Chief Court Vakil.
6. M. R. Ry. C. L. George Avl., B. A., B. L., M. L. C., Chief Court Vakil.
7. M. R. Ry. K. Ayyappan Avl., B. A., M. L. C.
8. M. R. Ry. Sulaiman Abdul Rahiman Avl., Ex-Chairman, Mattancheri Municipal Council.

The same proceedings also indicated the general lines on which the Committee should work and submit a report to Government. The terms of reference to the Committee are appended to this report (Appendix I).

2. Government had also authorised the Committee to co-opt, if necessary, the Comptroller of Accounts to advise them on matters financial. In pursuance of this and on the strength of a resolution passed by the Committee, the Comptroller of Accounts was accordingly co-opted, and his advice taken on the financial aspect of the several recommendations the Committee have deemed it necessary to make in this report.

3. Though the intention of Government was to have the work of the Committee closed in three months from 1st Karkadagam 1103, the Committee were obliged to ask for an extension of time for 5½ months to complete the work and submit the report. The delay in the receipt of answers to the questions issued by the Committee, and in getting certain papers and statistics from the office of the Director of Public Instruction bearing on the issues raised in his Report, the Committee's personal visits to schools in some selected areas to gather first-hand information—all these in the main contributed to the time taken for the submission of this report, which was thus unavoidable in the circumstances.

Delay in the submission of Report.

4. Soon after the appointment of the Committee, a preliminary meeting was held on the 10th Karkadagam and subsequent days in the ground floor of the Darbar Hall, Ernakulam, which Government were pleased to place at the disposal of the Committee for purposes of holding their meetings and their office. In this meeting which lasted four days, the Report of the Director was read and discussed, chapter by chapter, with a view to coming to a more or less definite line of action. As a result of the discussions that took place, it was resolved to request the Director to issue general instructions to the Inspecting Officers to afford us necessary facilities and accompany us in our visits. It was also resolved that a few specific statements from the Department might be got and the opinion of the public be invited on several of the important points raised in the Report. A set of questions to be issued for eliciting answers and the list of persons from whom answers might be invited were drawn up.

Modus operandi and the details of work done.

Meetings held. 5. Besides these four days of preliminary discussion, the Committee held 28 meetings of which 24 were in Ernakulam and the rest in Trichur, where the out-house of the Puthiya Kovilakam was kindly allowed to be used for holding the meetings.

Witnesses examined. 6. A list of persons to whom the questionnaire was sent and a list of those whom we had pleasure of hearing orally form enclosures to this report. (Appendix IIa and b). Out of 254 persons from whom suggestions were invited, 138 kindly responded to our request, and it is a matter for congratulation that the response was very fair on the whole. A few of the non-official M. L. C.'s., all Heads of Departments to whom references were made on specific points, a majority of the Village Panchayats, and all the Associations interested in, and immediately concerned with, the subject, such as the Managers' Associations, the Teachers' Associations, etc., were pleased to offer constructive suggestions which have been of invaluable help to us in our work.

Visit to Schools. 7. To collect correct statistics about the strength, the staff, the accommodation, the nature of management and the expenditure on schools, the Committee were obliged, besides calling for such data from Departmental officers, to pay surprise personal visits to some of the schools in company with the Inspecting Officers. Notes of visits in the form appended were also recorded. (Appendix III). We consider that the visits were productive of good results and the information gathered thereby was of immense use to us in basing our conclusions. A list of schools so visited will be found in Appendix IV of this report.

8. We shall proceed first to discuss some of the most outstanding topics on which depend the other issues raised in the Survey Report and referred to us for opinion in the Diwan's terms of reference; we shall then give in detail in Part II our recommendations on the several points, as far as possible, in the order in which they have been classified in those terms. The financial effect of these proposals will be found in Part III of our report. After bestowing considerable thought on the subject, we are inclined to believe that a proper understanding of the following topics will make the task of considering the other points extremely easy. These general topics are (1) the Educational Expenditure in the State, (2) the Agencies of Education, and (3) Provision of Schools and these will be discussed in Part I of the report.

PART I.—OUTSTANDING QUESTIONS.

1. The Educational Expenditure in the State.

9. Any investigation of the question of further educational reforms will not, we think, be satisfactory, unless it is prefaced by a retrospect of the present situation with reference to the expenditure that is incurred by the State on Education and also the probable expenditure that can and may have to be incurred hereafter consistent with the gross revenues of the State, and the necessities of the other equally important Departments of Administration. Appendix V of the Report gives a statement of the total revenues of the State and the expenditure actually incurred on some of the major departments including education (exclusive of expenditure on school buildings) for the period extending from 1083 to 1107 at intervals of 3 years. A close study of these figures not only gives a fair idea of the huge strides the State has made in the cause of Education in these periods but also shows that, while for the 12 years from 1083 to 1095 educational expenditure increased five and a half times, the total receipts only doubled; and that during the next 12 years from 1095 to 1107, educational expenditure only doubled itself for a fifty per cent increase in the receipts. These facts suggest that the time has certainly come for us to pause and consider whether we have not reached a stage in the outlay on education beyond which it would be hazardous to proceed. It may be noted that for 1109 about 19 p. c. of the gross revenues has been budgetted for Education. This does not include

the expenditure on buildings for educational institutions, both, capital and recurring.

10. A comparison of our figures with those spent for the same purpose by the sister States of Travancore, Mysore and Baroda will go to convince any one that Cochin has begun to spend practically the maximum, the percentages for Travancore, Mysore and Baroda being 18.2, 19, and 13.3 respectively. The revenue per head of population in Travancore, Mysore, Baroda and Cochin is about Rs. 4, 6, 11, and 7½ respectively, while the educational expenditure per head in these States is Rs. 0.88, 1.11, 1.42 and 1.27 respectively. It will be seen that the expenditure per head in Cochin is high enough, consistent with the revenue. No doubt it has been suggested to us that 19 p. c. of the total revenues is not a very alarming figure, and that a demand of 25 p. c. for Education would not be unreasonable. The expenditure on Development Departments, such as Education, Medical, Public Health, etc., depends not only on the gross revenues of the State, but also on the density of population, and other factors which affect the well being of the people. Viewed from this stand-point, there is ample justification for spending more on these departments in our State than in Mysore and Baroda.

11. Reviewing the heads of revenue, we are forced to think that there are however no great prospects of expecting a larger yield from any of the sources of income for years to come. On the other hand there is sufficient reason to fear that under some heads of revenue such as Excise, a fall in income is not at all unlikely in the long run. Practically then the position comes to this, viz., that with an income more or less fixed and with the needs of administration tending to grow with time, some ways and means have to be devised to see that educational expenditure does not mount up very much higher. Taking all these factors into consideration, and keeping in mind the facts that no Government would grudge to spend a decent portion of their revenues for education, and that some reforms even in the existing system of education involving an extra expenditure are essential, we may have to allot more for Education than at present.

12. The distribution of this amount among the various branches of education has now to be considered. Taking the latest actuals available, viz., those of 1107, we find that the net expenditure of Rs. 12.12 lakhs on Education is distributed as follows:—

Distribution
of expendi-
ture over vari-
ous branches.

	Expenditure	Percentage
Direction and Inspection	Rs. 79,542	6.6
Collegiate Education	Rs. 81,594	6.7
Secondary Education	Rs. 2,22,302	18.3
Primary Education	Rs. 7,68,215	63.4
Miscellaneous	Rs. 60,422	5.0

Appendix VI of this report has been prepared with a view to demonstrate how the percentage on these various branches has been steadily on the increase from 1083 onwards. The percentage of expenditure incurred by the State on Elementary Education has been varying from 60 to 69 p. c. of the net expenditure, the percentage for 1107 being 63. The corresponding percentages of the other States will also be found in the appendix and the figures speak for themselves. What we have to emphasise at the outset is that, though the expenditure on Elementary Education is to be the first charge on the national revenues, it may not be possible for the State to set apart a much larger sum for Elementary Education hereafter, while some increased provision would be necessary for Direction and Inspection, Collegiate Education, and Technical Education.

Additional
funds by tax-
ation.

13. This necessarily takes us to the question of the imposition of fresh taxation raised specifically in several portions of the terms of reference. Judged by the evidence tendered before us, it seems to be practically the unanimous opinion of the public that fresh taxation of any kind or form should not be imposed. There are no doubt a very few persons among those who have been kind enough to favour the Committee with their views, who consider an educational cess as absolutely necessary. However weighty their representations may seem to be, we cannot bring ourselves to accept a position which would subject the people of the State to any additional burden and to recommend to Government the levy of any kind of taxation. We strongly feel that the people are already taxed to the maximum capacity; and the levy of the income-tax recently ordered on all non-agricultural incomes has been the last resource which Government could have reasonably fallen back upon. An additional tax by way of Educational cess is out of the question and cannot, therefore, in our humble opinion, be levied.

2. Agencies of Education.

14. Education in the State is imparted through three different agencies, viz., (1) Sirkar, (2) Private enterprise with Government aid, (3) Private enterprise without Government aid. A distribution of the number of schools existing from 1083 onwards under these different agencies is given in Appendix VII of our report. Taking the figures for 1107, we find that out of 634 schools (High Schools, Lower Secondary Schools and Primary Schools included) under categories (1) and (2), only 166 are owned and managed by Government, while 468 are private institutions recognised and aided by Government. We agree with the Director in the view that such a large disproportion between Sirkar and Aided Schools has been the result of the liberal policy of what is called 'the elastic system of grants' introduced by Mr. (now Sir) A. R. Banerjee. In this connection we have had the advantage of perusing the memorable 'Blue Book on Education' of Mr. Banerjee, and of studying the principles and motives underlying the initiation of the policy. We are at one with the author of the 'Blue Book' that the encouragement of private agencies in the field of education is a very desirable thing, especially from the point of view of cheapness. A study of the conditions in the neighbouring State of Travancore will dispossess every one of the belief that the high percentage of literacy in Cochin is directly the result of the elastic system of grants. We shall just refer to the conditions obtaining elsewhere.

	<i>Schools per village</i>	Villages	<i>Elementary</i> Primary Sirkar Schools	<i>Elementary</i> Private Schools	Total
Cochin.	2.31 <i>2.49</i>	273	26.2% 166	468	634
Travancore	0.734	3,936	19.3% 550	2,333	2,891
Mysore	0.371	16,672	79.0% 900	1,298	6,198
Baroda	0.9	2,940	98.2% 2,580	46	2,626

The marginally-noted statement gives the number of villages and the number of educational institutions in the different States. It is only here and in Travancore that a majority of the schools are aided ones. The policy of encouraging aided agency in the sphere of education has been accepted there, but the aid which Travancore has been giving to private schools bears no comparison to what has been obtaining here for the last 20 years. Though Mysore follows a system of grants closely allied to that in our State, it has not resulted in Mysore having a higher proportion of aided schools. Similarly in Baroda where 'the results-grant system' is followed, i. e., grant in proportion to the number of successful pupils, the amount varying from 8 annas in the infant class per pupil to Rs. 10 in the IV class, we notice that the number of private schools is comparatively very small. Since Elementary Education is compulsory in Baroda, perhaps that Government believes in being directly

in charge of it, and this might have contributed to the paucity of aided agency there.

15. In this connection we would like to refer to the relevant portion of the 'Statham Committee' Report of Travancore regarding the value of aided agency there. They say 'From our knowledge of conditions in Travancore, we consider that a policy of abandoning the aided agency, if applied to Travancore, would be extremely unfortunate. They represent in many cases organised enthusiasm or personal enthusiasm which unfortunately tends to be absent from the more formal and impersonal machinery of the departmental agency. As we have shown in another chapter, the missionary spirit in education would be present even in departmental institutions, if all officers were really enthusiastic about their work. But it cannot be denied that certain aided organisations whether Christian or non-Christian have a driving power behind them which, if their schools are otherwise efficient, must prove to be a welcome form of effort in the field of Education.' But what is the rate of grant they propose for aided schools? It is much less than what we pay now in Cochin, and what has been proposed by our Director in his Report, making due allowance for the differences in the general educational qualification expected of Elementary School teachers in the two States. Yet Travancore compares favourably with Cochin in the percentage of literacy and in the number of aided schools.

'Statham Committee' on the value of aided agency in Travancore

16. Much as we would therefore like to recommend the encouragement of aided agency in the field of education, we would be failing in our sense of responsibility and fairness if we do not refer to the strong feeling that exists in at least some sections of the public as well as of the existing private agencies themselves in favour of Sirkar schools as against aided ones. We have not cared to probe carefully into the motives underlying it, simply because we consider that any step at this stage to attempt at converting private schools into Sirkar ones or of assuming management of all aided schools is a matter which would be fraught with serious consequences on the public exchequer. All the same, the fact remains that there is a strong desire for Sirkar management, as is evidenced by the volume of representations that have been made even by managers of private schools requesting Sirkar to take up management of their schools. The sentiment expressed in paragraph 78 of the Director's Survey Report stands thus substantially proved. The general cause for such a desire in the minds of the public seems to us to be the impression that better efficiency will be had under Sirkar management especially in Elementary schools, while the requests from managers themselves to take over their schools should be attributed to their financial difficulties. It is only in the case of schools managed by Churches that the management does not favour the idea of Government stepping in or controlling and financing Education in its entirety. The following extract from the memorandum submitted by the Catholic School Managers' Association dealing with this point would be of interest in this connection. 'Catholic parents are bound in conscience to provide for the education of their children, either at home or in schools of the right sort. The Canon Law enjoins on them this duty strictly.... The right therefore to conduct schools is, we consider, our birthright, as much as the right to worship, the right of citizenship, in fact as any other right which a person can legitimately claim.' We do not pause to offer any criticism on this position, as we feel such criticism will not be of any help either to Government or to the Association or to the general public. We shall dispose of this observation with the remark that the obligation imposed upon the community by the Church applies mainly, if not exclusively, perhaps, to religious education, pure and simple, and that such religious obligations should not have any claim on the public exchequer.

Popular demand for Sirkar Schools.

17. We have observed that it is too late in the day on the part of Government to think of satisfying this demand for Government taking over management of all private schools, however deep-rooted or reasonable it may be, primarily on considerations of cost. How the cost of an aided school compares with that of a corresponding Sirkar one, and how the assumption of management would mean additional expenditure to Sirkar would be evident from the very

fact that to maintain 133 Sirkar Primary schools, Government spend Rs. 3,73,573, while the grant given to 406 private schools comes to only Rs. 4,26,678. Since it would not be correct to strike an average on this basis of calculation, we have ascertained from the data collected in the course of our visits to schools that the cost per pupil in a full Sirkar Primary School ranges from Rs. 8 to Rs. 9, while in a similar aided school it ranges from Rs. 5 to Rs. 6 only. If all the private schools are to be taken over by Government, an annual expenditure of about double the amount now spent on Primary Education would be the result, not to speak of the eventual charges incidental to such assumption on account of pension, etc., for the employees in all the institutions. Therefore, we consider it inexpedient to recommend that the direct control and management of education especially Elementary, should vest in the Sirkar, though as a matter of policy, we would very much desire the change.

Transfer of
management
to local
bodies.

18. The next alternative to Sirkar management that has to be discussed is the proposed transfer of management to local bodies. The idea of popular control and interest has been much adverted to in the Director's Report, and it is with reference to this aspect of the matter that the creation of the Board of Education and local School Boards has been so warmly recommended by the Director to infuse into the machinery of Education 'Local Colour.' The idea sounds excellent, but when one tries to create such a local board in the State and work it on the ideals required of a body of local self-Government, one would begin to feel the extreme difficulty of the case. The evidence recorded by us in the course of our work tends to show that the idea of establishing local boards in the State to control Primary Education is not a workable one. While dis-favouring the suggestion the majority of those who have given evidence before us think that, in this small State where there is not much scope for difference in 'colour' with different localities, the infusion of 'local colour' is not a very important thing, and that, even if such an infusion is thought possible and desirable, it could better be done by the department itself than by local boards or school committees. We generally agree with this view, and we would go a step further and say that text books may be made the medium of infusing 'local colour' in Elementary Education. We shall revert to this subject of text books in greater detail when the question of curricula of studies is discussed later.

Creation of
Local Boards
out of Village
Panchayats.

19. Viewed from another standpoint, we think the creation of local school boards from out of the Village Panchayat units as recommended by the Director is not feasible, as pointed out by the Registrar of Village Panchayats. "Its composition will be a problem beset with innumerable difficulties. It is only those that have attempted at forming such bodies that can understand the real significance of these difficulties. Cliques and counter-cliques, prejudices and influences will play at large in their composition and educational institutions which had hitherto to answer only to the departmental authorities will have henceforth also to face excruciating trials at the hands of these bodies formed on the bed rock of cliques and counter-cliques and prejudices and partialities. In western countries it may all be possible, but in India and no less so in Cochin, the less thought of it, the better it is for the cause of Education." The objection raised by the Registrar seems to us to be valid and extremely reasonable in view of the loud complaints often heard against the working of the Panchayats. Not only that a large number of the Village Panchayats whom we consulted are not in favour of assuming this responsibility, but we have the testimony of a President of an admittedly efficient Panchayat justifying the position that it would be obviously dangerous to entrust these institutions with the control and management of education in the State. The sense of civic responsibility is so much absent in the Panchayats that Government should think twice before inaugurating a policy with regard to Elementary Education which would be of doubtful, if not of dubious, utility and efficiency.

Continuance
of private
Agency.

20. From what has been stated above, it should be evident that Government cannot do away with the machinery of private agency in the field of Education. To encourage private agency means the continuance of the system of grants-in-aid. Questions relating to the revision of the rates of grants will be

discussed in the portion of the report about grants-in-aid. Suffice it to say for the present that the otherwise increasing demands on Education which would be enumerated and discussed in the following pages and which would be admitted on all hands to be essential in the interests of efficiency, require a sort of revision in the scale of grants-in-aid, unless Government are prepared to shoulder the burden either of having to provide larger funds for education purposes, or of raising the required additional funds by means of fresh taxation. We hesitate to think that Government will be justified in adopting either of these alternatives, in view of the commitments on the various other departments and the incapacity of the people to pay additional taxes.

3. Provision of Schools.

21. Our aim in discussing this point at the outset is to lay down some definite principles with regard to the starting and location of the various grades of schools. The question as to whether there really is a superfluity in the existing number of schools and to what extent they can be reduced or amalgamated can be reviewed only in the light of these general principles.

22. As already stated elsewhere in this report, we have at present in the State 634 schools for 273 villages, of which 539 are primary schools. This works at about 2 primary schools for every village. A reference to the statement in Appendix VII would also show that the number of Elementary schools has been gradually going up from 1083 onwards, and that for the past half a dozen years there has been a lull in the increase. There is nothing strange in this phenomenon. It only points out that the demand for more and more schools has ceased. Time was when some communities of His Highness' subjects were refused admission into schools, necessitating the opening of separate and special schools for them, and time was when the Department was, by means of circulars, etc., calling upon unemployed educated people to start private schools. Recognition was being given to schools thus started, irrespective of the strict needs of the particular locality or village. All these have been responsible for the presence of very many schools now situated close to one another and for the absence of schools in some villages.

Elementary
Schools.

Primary Schools

23. In this connection, the following remarks on the growth of schools in the past made by the Cochin Teachers' Association will be read with interest.—

“That there was an unhealthy growth in the number of schools (both Secondary and Primary) in the State during the last decade is well known. Even granting that in all these newly started schools, we have a minimum strength required by the Code Rules, it cannot be argued that all are on that account necessary. A peep into the genesis of most of these schools, would startle people hitherto in the dark, whatever the educational needs of the locality these schools are supposed to cater. A couple of unemployed School Finals or ‘incompletes’ having failed to secure a living anywhere else, hit upon the blessed idea of starting a school in their locality. Someone is induced to accept the title of a Manager. A shed is put up, very often not costing over a hundred rupees, some children of the locality are lured into it, some are drawn into it from the neighbouring school or schools, often without a transfer certificate, leading to complaints and departmental enquiries. No pay is given to or demanded by the teachers till the school is in the aided list, which may be a year or more after the actual starting. The Inspector pays a surprise visit. No strength; various explanations, some real, some more imaginary than real, are given for the poor strength. A second visit is solicited. Somehow a grant is recommended. The Manager, a sleeping partner all the while, now wakes up; finds himself in a position of power and often of profit too. Endless quarrels result. He is led often by the Headmaster or some one clever on the staff. Others on the staff grow jealous. Manager's blood relations often equally unemployed, even sons and daughters, compete for posts. Persons who might have striven hard to start the school are now nobodies or sometimes dictators,

forgetting the days when they were dancing attendance on the Inspectors and the Manager.

This picture is true, if not of all the hundreds of schools started in the last decade, of at least 75 p. c. of them. The other 25 p. c. would sometimes be schools started out of equally unhealthy communal consciousness that unfortunately lords over Cochin politics and social life to-day. The few Nayar Samajam schools or Thiyya managed ones started during the period would bear out my contention. Different sections from among the same community would like to have their own schools—but none of them denominational happily—because if admissions are thus restricted they will not stand the test of a visit.

Now whatever be the reasons for this rapid growth of institutions, one fact comes out prominent; educational facilities had little to do with the growth of schools, nor philanthropic motives, nor again much capital outlay; of course an enterprising manager would try to locate his schools as far away as possible from the existing ones and in centres not very well served by schools. The department also insisted on him in doing so, though not always. Still even working under such limitations, we have to day the presence of so many schools that can well be abolished, without impairing the 'educational facilities'—a term very much abused."

All schools are however practically well-attended, and there is no justification for the position that there is a superfluity of schools. But a re-arrangement of the present schools and a regrouping on some principle with a view to giving facilities to all alike, and to reducing the wastage, can certainly be attempted in our State, without affecting efficiency and the 'educational facilities'.

Scheme of consolidation and concentration.

24. The scheme of consolidation and concentration of schools on the lines laid down in Mr. Champion's Report is evidently inapplicable to Cochin in its entirety, in as much as conditions here and in Madras are vitally different. We however think that a scheme of consolidation and concentration under which it would be possible to provide as many Lower Primary Schools as may be required in a particular area with a limited number of fully developed Upper Primary ones (central schools) may be tried in the State. The Upper Primary School should be located in a central place as far as practicable, with the Lower Primary ones all round as its feeders. The distance between the central school and the feeder school is to be fixed with reference to the maximum distance which a pupil of the Primary Department of age varying from 6 to 10 can be expected to walk. In consideration of all relevant circumstances, we deem it essential to fix half a mile as the minimum distance between one Lower Primary school and another, and to limit the number of fully developed Upper Primary Schools to be given to a particular area.

25. As the need for the exact number of schools of whatever grade in a particular area or locality depends more on the population, means of communication, etc., the question of the superfluity of the schools cannot be determined on the basis of distance alone. It is not our intention to say that, in a village where two or more schools exist within this minimum distance prescribed for that grade of school there is superfluity, justifying the abolition of any of them, especially when all are full. But we think that the needs of education in that locality would certainly not be affected by re-arranging and regrouping the existing schools on this basis, reducing some to Lower Primary ones or suppressing others where there is real superfluity. The duplication of educational effort, and the wastage resulting from many schools, not having the minimum strength, especially in the Upper Primary classes, would, we venture to hope, be lessened to the greatest possible extent by having recourse to this arrangement.

No differentiation between boys' and girls' Primary schools.

26. Another principle we would lay down in this connection is to abolish the differentiation between Primary schools for boys and those for girls. In the course of our enquiry, we have come across instances in abundance where Primary schools intended separately for boys and girls are situated very close to one another. Our visits to these have revealed the strange sight of a preponderance of boys in what are being called 'Girls' schools and of girls in

'Boys' schools'. This practice, coupled with the evidence we have collected otherwise, drives us to the conclusion that co-education in the Primary standards is not objected to in any quarter, except in the case of Catholic schools. Still instances are not wanting where Catholic schools are 'mixed' in the Primary and even in the Secondary departments. We also think that it will be of advantage to both the pupils themselves and to Government if the distinction between boys' and girls' Primary schools is done away with, and to have 'mixed' primary schools with 'mixed' staff. When we say 'mixed' staff, we desire it to be clearly understood that our impression is that small children would be taught and kept under discipline better by women teachers than by men. It should therefore be the future policy of Government to recruit more and more qualified women teachers in the primary department.

27. By having mixed schools and mixed staff as recommended above, it will also be possible and necessary to do away with the distinction now found maintained in regard to inspections. As it is, the Deputy Inspectors visit and inspect only boys' primary schools in their jurisdiction and the Deputy Inspectress girls' primary schools all over the State, notwithstanding the fact that in the boys' primary schools there are girl pupils and women teachers, and in girls' schools a majority of the pupils are boys and teachers men. Hereafter any primary school may be visited and inspected by the Deputy Inspecting Officer irrespective of the sex of that officer.

28. So far as the Secondary Schools are concerned, we think that the number of such schools in a particular area should be limited, and that the starting of fresh schools by Government or the grant of recognition or aid to new schools started by private agency in that area beyond this limited number should not be countenanced. The policy of Government should be to maintain only a limited number of secondary schools, leaving the rest in the hands of private agencies. So far no definite principle is seen to have been followed in starting secondary forms in Government schools, or in allowing recognition and aid to private agencies who have shown a desire to start these higher classes. Instances are not also wanting in which the starting of Secondary Schools by private agency has affected the strength and the position of the already existing Sirkar or aided secondary schools. Thus while starting the Upper Secondary forms in Peringottukara School, Government did not view its location from the standpoint of the Kandassankadavu High School also, which has been responsible for the Director's recommendation that the Kandassankadavu High School may be handed over to private agency. Thus two schools exist where one would have been quite sufficient. Again the Convent Lower Secondary School, Irinjalkuda, was recognised, when there was no scope for two Girls' Secondary Schools in that locality. The effect of it has been that the strength of the lower secondary forms of the Sirkar Girls' school has been affected, though there is only the bare minimum strength in the Lower Secondary forms of the former. Inquiries show that the Convent School is not a feeder to the Upper Secondary department of the Girls' High School, since the strength in these forms has been barely the minimum or a little less during the last 3 years. Again the Sirkar School at Chelakara was raised into a High School when the needs of Chelakara are very well met by Vadakkancheri. Government recognised a Convent Lower Secondary School at Chelakara when no objection was raised by the people against co-education in the Lower Secondary Department as is evidenced by a fairly large number of girls even now studying in the Secondary department of the Sirkar school. The Convent school has now to make up the minimum strength by admitting girls from near Trichur into the boarding house, as will be evident from the fact that all the boarders, 20 in number out of a strength of 63 in the Lower Secondary forms, are coming from villages near and beyond Trichur.

Secondary
Schools.

29. Such indefiniteness of policy and the consequent springing up of the numerous secondary schools in the State during the last 2 decades are, we are inclined to believe, responsible for the difficulty experienced by Government in providing suitable buildings and equipments for all those institutions. This state of affairs seems to us to be far from satisfactory, and should be rectified as early as possible.

30. The best means of effecting this would be by maintaining only fewer Sirkar Secondary Schools, if necessary, on a residential basis, to suit the convenience of those coming from outside the localities. We mean the provision of hostel accommodation in as many secondary schools as possible. If that is done there need be no apprehension of educational facilities being affected. Encouragement may be given to private agencies for starting secondary schools, but only if and where they are necessary and when the interests of the neighbouring schools are not adversely affected. All Sirkar and aided schools now existing which are not fully developed, and situated in places where their existence is unnecessary, should be discontinued. Requests to Government from Managers of private schools to assume management of their schools should not be complied with hereafter, unless Government are satisfied that the discontinuance of the schools in that locality on account of the inability or otherwise of the managers to continue them adversely affect the educational needs of the locality, and that the assumption of management would not involve much additional cost to Government. In cases where these conditions are satisfied, and also when the management is prepared to surrender the building, equipment, assets, etc., unconditionally to Government, then alone shall Government take up the management.

31. Consistent again with our position that Secondary education is to be left as far as possible and as far as circumstances permit in the hands of private agency, it would be desirable to hand over some of the Sirkar Secondary Schools to such agency, if one, which in the opinion of Government can be taken as reliable and competent, is forthcoming. In the event of such transfer taking place, it would be necessary to lay down as a condition of the transfer, that the management shall retain the existing staff of that school on the same grade and pay until such time as it would be possible for Government to absorb them into the permanent establishment.

32. In cases in which teachers serving in private schools are taken over to Government service along with the assumption of management, we would suggest in the interests of both the teachers so taken over and of those already in Government service, that they should be allowed only a grade of pay equal to what they would have got ordinarily, had they been in Government service from the start.

33. Speaking of Secondary schools for girls in particular, we desire to point out that separate schools for girls have to be maintained, since we are against co-education in the secondary department, as a matter of educational policy. In the light of the opinions recorded by us from several quarters on this topic, we may observe that co-education in the Secondary Department does not generally find favour with the public and that to mix up grown-up boys and girls in Secondary schools at the most impressionable period of their life is not in the best interests of their well-being. It is therefore our view that separate provision should be made for the education of the girls.

Co-education
in the second-
ary depart-
ment.

34. In making this recommendation we are not oblivious of the fact that in a majority of cases such separate schools for girls, as they now exist in the State, cost immensely to Government, quite out of proportion to the interest served thereby. To make the point clear, we have only to refer to the expenditure incurred by Sirkar on the existing Girls' High Schools. The statement in Appendix VIII showing the strength in the various Girls' schools for the past 3 years, and the money spent on them during these years throws sufficient light on the enormity of the cost to Government. From the figures given in the table, one is surprised and is inclined to ask the question why Government should continue to maintain a separate High school for girls where the strength is low and does not justify its maintenance. The question to our mind seems quite pertinent and natural, and we have spared no efforts to find a suitable solution for it. We particularly refer to the Girls' High Schools at Trippunithura, Cranganur and Chittur in which the strength in the Upper Secondary forms is low and tends to go down year by year. In spite of our being against co-education as a matter of educational policy, we have come to the conclusion,

Exceptions.

after serious and nature consideration of the subject, that the Upper Secondary forms of such institutions should, as a matter of expediency, be immediately scrapped, provision being simultaneously made in the Boys' School in the locality for educating these girls along with the boys. It will then be necessary to provide special facilities for the girls studying in such schools and in other mixed High Schools as well, by way of retiring rooms, etc. There will also be no objection to having separate divisions for girls when their strength warrants their maintenance.

35. This takes us to the question of staff. Our enquiry has shown that though the policy of Government is to replace all men teachers in Girls' schools by duly qualified women teachers, there are even now in all the Girls' High Schools a few men teachers. It has also been represented to us that the retention of these teachers on the staff is specially done in the interests of the students. In some Girls' High schools, such as the Girl's High School, Ernakulam, where there are a few men teachers, we have found some Muslim girls also studying, and we are told that no objection has been raised against the continuance of such teachers there. Lest our recommendations regarding the three high schools referred to above, should induce parents to discontinue the studies of their children and as an encouragement to those girls who are obliged to get their Secondary education in a Boys' High School, we feel justified in recommending that one or two competent women teachers who may be willing may also be appointed on the staff of those High Schools. We have been assured that there would be women teachers coming forward to work in Boys' High Schools. We understand that a graduate lady teacher is already employed in the Secondary Department of the High School, Narakkal. Parents in localities where there are no separate Girls' High Schools who do not wish to send their girls to study in the local Boys' High School will have to send them to the nearest Sirkar High School for girls. In order that there might be an inducement on the part of such parents to do so, we suggest that in such cases Government may even offer a small stipend.

Staff of
mixed Secondary
Schools.

36. In other words, our recommendation is that in places where the existence of a separate Girls' High School is not justified by the strength in that school, girls in the locality should be admitted and taught in the Boys' High School or they will have to go to the nearest Sirkar High School existing exclusively for girls. In adopting this position we are fortified by the action of Government in having ordered the closing of the Upper Secondary Department of the Cranganur Girls' High School. This step of the Government is, in our humble view, a bold one in the right direction, and we suggest that the policy adopted in regard to this school may very well be extended, as per our recommendation, to the other Girls' High Schools similarly placed.

PART II.—THE EXISTING ORGANISATION OF EDUCATION.

A. The number of schools.

37. The question in the terms of reference evidently contains a very tall order and we have spared no efforts to find an answer to it with the data that were supplied to us by the Department and collected by us personally in the course of our visits to schools. In this connection we would place before Government the absolute necessity of having an Educational map of the State prepared and kept. We need not say that our work has been much handicapped for want of such a map, and that, had one been available, it would have been of immense advantage.

38. We have already indicated in the general portion of our report some of the broad principles which should govern the starting and location of elementary schools and have pointed out therein the desirability of re-arranging and re-grouping the existing ones on the basis of a principle of concentration,

Primary
Schools.

whereby it would be possible to provide as many Lower Primary Schools at distances of about half a mile from one another, and some Upper Primary ones in central places. We have studied the entire question with reference to these principles and have visited schools in those areas where concentration might be effected as judged from the data supplied by the Inspecting Officers. Our conclusions aiming at reductions of some schools to Lower Primary, and amalgamating or abolishing some, with reasons therefor, summarised in Appendix IX of the report are based on these principles. In the Appendix we have given only those that are affected by our recommendations, but the list may not be said to be exhaustive.

Abolition of special Schools. 39. In suggesting these changes in the present arrangement of Primary schools, we have kept in view the requirements of each locality with reference approximately to the population of these particular areas, means of communication and other factors which have to be considered in such cases. It is not considered necessary to maintain hereafter any kind of denominational or special class schools, in consideration of the fact that no school, irrespective of the agency responsible for its starting and continuance, refuses admission to any caste or community. The days of refusal of admission of Depressed Class pupils into schools attended by Caste Hindus are over, and it will, besides being mere waste of public funds, be also derogatory to the prestige of the State and the people thereof, to establish or maintain special schools to serve special interests. We have in mind what are now called the Pulaya Schools, Fishery schools and the like. Except for the inclusion in the curricula of some pisciculture subjects which are not taught at all or badly taught, we have not been able to discern any difference in the education that is imparted in these Fishery Schools and in the Primary Schools. The teaching of pisciculture subjects can be made more intensive, and will be better appreciated, if such schools admit pupils coming after Primary education course. Under our proposals, these subjects will be taught in the proposed prevocational schools referred to below. Thus where there are other literary and Industrial Schools already in existence, these denominational schools must hereafter cease to exist.

40. The sum total of our recommendations in regard to Elementary schools as will be found from the statement in Appendix IX is therefore to the following effect. Against 48 Sirkar Primary schools and 137 Aided schools considered by us, 34 Sirkar schools and 129 aided ones will continue, of which about 50 will be Lower Primary and the rest Upper Primary. It is our honest conviction that the scope for further expansion in the number of Elementary schools for many years to come is very restricted especially in the southern taluks and that no attempt should be made to increase the number of fully developed Primary ones. But at the same time we would like to point out that schools in Talappalli and Chittur taluks are not very many, and are not well attended and that there would hence be scope for starting more schools in these taluks. The efforts of the Department should, in our opinion, be concentrated on the methods to be devised for improving the strength and attendance in the existing schools in these taluks and for starting new schools wherever and whenever they are found to be necessary. Plural-class teaching is already resorted to in some of the schools in these taluks (vide the statement annexed-Appendix X) because people have not yet become alive to the need for educating their children.

Recognition and aid to Primary Schools. 41. Before leaving this subject of Elementary schools, we desire to bring to the notice of Government the fallacy in recognising schools without granting aid. In as much as there is no fee income from these schools, it is recommended that in the interests of efficiency, so far as Elementary schools are concerned, recognition and aid should always go together.

Secondary Schools. 42. In keeping with the principles laid down by us *supra*, regarding the Secondary schools, *viz.*, of limiting their number and of suppressing the Upper Secondary forms in those Girls' High Schools where the strength does not justify the continuance of those forms, we have prepared a statement in

Appendix XI showing the names of those schools to be hereafter maintained, aided, or recognised, as the case may be. With reference to the Sirkar Girls' High School, Irinjalakkuda, we may specially point out that in spite of there being two Lower Secondary Schools in the locality, the present strength in the Upper Secondary forms is somewhat below the required minimum. At the same time we are not prepared to bring it under the category of those which have to be suppressed at present, because the present strength does not seem to us to be so low as to justify the abolition of the Upper Secondary forms now. The Upper Secondary forms may therefore be continued for some years more and the strength watched. If the strength goes down still further, then it will be time to think of abolishing the section.

With regard to the High School, Trichur, we have to report that the Municipal Council is not prepared to take up the management and run the institution, as recommended by the Director. The net cost in the school is not now more than what is incurred in some other Sirkar Schools, though it must be conceded that the strength has not been quite satisfactory. It has been represented to us that this school was run as a model institution and that the department was once taking all possible steps to maintain it in a high standard of efficiency. Since the number of High Schools in Trichur under private management has increased, it is now all the more necessary that the department should maintain it as a model institution. It is the opinion of the witnesses whom we have examined that the strength would improve and the net cost be much reduced if only the Department accords the institution the treatment that it richly deserves.

We had to discuss the question of the discontinuance of the High School, Ollur, in view of the proximity of Trichur schools and its past poor strength, in spite of the provision made for hostel accommodation; but as the strength is fairly satisfactory this year, we have come to the conclusion that the higher forms may continue for some time more, and the strength watched before Government decide to suppress the Upper Secondary forms.

B. Buildings and Equipment.

43. We have no hesitation in subscribing to the view expressed by the Director in paragraphs 42 to 44 of the Survey Report that school buildings, almost without exception, are in a very unsatisfactory condition, and that the problem of providing suitable school houses deserves the urgent attention of Government. What has prevented them hitherto from paying that amount of consideration to the subject is, we understand, the paucity of funds. Though to attempt at improving the condition of the school buildings, both Sirkar and aided, would mean additional expenditure to Government, either by way of actual expenditure on Sirkar buildings or of building grants to aided schools, we consider the subject so very important and necessary in the interests of the school-going population and from the point of view of hygiene and physical development, that we are not prepared to have the question shelved.

Buildings.

44. A wholesale improvement of all the buildings at one stretch is out of the question. Government should therefore be guided in this matter by the following considerations.

The Director says that there are at present 89 of such school buildings, of which a very few of them alone can be considered to be good. It should be the aim of Government to replace all the bad buildings by decent ones constructed on a type model in as few years as possible. If a decent sum, say about Rs. 25,000 or Rs. 30,000 is provided every year in the P. W. D. budget to be utilised for constructing these school houses it should be possible to have all the school buildings built on the type model in about 15 or 20 years. We hope that with a budget provision of about 12 to 13 lakhs of rupees in the P. W. D., it will not be difficult for the department to carry on this programme steadily.

(a) Sirkar Primary Schools started and to be started in Sirkar buildings and in buildings handed over by private parties.

In deciding the type and plan of a primary school building, the following requirements should be kept in view, whatever be the name and terminology by which it is called, viz. permanent or semi-permanent. We think that a Primary

School should be well ventilated, should have tiled flooring and roofing and good sanitary surroundings. The accommodation should be sufficient for the number of classes to be held. It must be sufficient in capacity to hold the maximum number of pupils in the school, the area of each class room being 22 by 18 feet. Class rooms need not be separated by permanent partitions, movable partitions by way of wooden screens (provided wooden partitions are cheaper) being sufficient, to guard against distraction. In addition to these there must be one strong room in the building for the use of the Headmaster to keep and preserve the records of the institution.

A plan and estimate of a building satisfying the above conditions were called for and obtained from the Engineering Department. A copy of the report dated 22—12—33 and the plan kindly supplied to us by the Chief Engineer form enclosures to the report (Appendix XII). The Chief Engineer estimates the probable cost of a building containing nine class rooms with all necessary items such as music shed, compound wall, well, etc., at about Rs. 8,000. Technical as the subject is, we are not competent to offer any criticism on these; nor do we propose to suggest that the estimate is high. It may, however, be pointed out that it would not always be necessary to put up the entire building with nine class rooms for all schools at one stretch, since some of them require not more than 4 to 6 rooms. In the course of our visits we found that in the Malayalam schools at Karupadanna, Ottupara and Arandapallam, a number of rooms remained unoccupied. The Department may therefore see that only as much of the building as may be required for particular schools is put up, extensions being made as necessity arises. Many of the buildings required by the Education Department for Primary Schools being for Lower Primary ones, the estimate for each school will not exceed about Rs. 6,000, and the actual cost should be much below this figure, taking into account the reductions due to tender deductions.

(b) Sirkar schools conducted in buildings taken on rent.

Until such time as it may be possible for Government to provide permanent buildings of their own, such schools should continue to be conducted in these rented buildings. Most of the rented buildings visited do not seem to be bad, except for the flooring and the absence of partitions. Though experience has shown that great difficulty exists in the matter of getting the P. C. R. works done for these buildings regularly every year, the question of leaving them cannot be considered at present. Suitable safeguards in this direction should, however, be taken to enforce that the owners of such buildings execute the necessary P. C. R. works in time.

In cases where accommodation itself is insufficient, Government should take suitable steps to provide additional accommodation to satisfy the requirements at their cost initially, if the owner is not in a position to advance the necessary amount. The expenses so incurred should be recovered from the monthly rent payable to the owner. We understand that this practice is now being followed; e. g., in the M. S. Kadupassery, the building has been repaired by Government at a cost of Rs. 650 and the amount is to be recouped from the monthly rent. If the owner does not agree to this course, separate buildings close by should be put up at Government cost.

In either event, the conditions should be made the subject of written agreements with the owners.

(c) School buildings of aided schools

Most of the buildings visited are semi-permanent sheds with thatched roof, bad or sandy flooring, no partitions, not even bamboo mat screens all round to serve as protection from sun and rain. Accommodation is insufficient for the number of classes held. The only possible way of getting the managers and owners of aided schools to improve the accommodation and quality of the school buildings is by giving building grants to them, according to the rules in the Code, since it may be impossible for them to invest more money to put up decent buildings all at once. If Government insist on the improvement of buildings with an offer of generous help, it should be possible for managers to effect such improvement. As we have already stated, Government have not been able for the past so many years to give building grant to any aided schools, with very few exceptions. The reason, we note in the Director's Survey Report (para 66) is want of funds under grants-in-aid. We endorse his statement that 'the grants which are excessive in one sense tend to starve other modes of

benefaction which efficiency requires.' We desire therefore to submit that the system of giving building grants to deserving schools should be renewed, so that in time to come the State need not have to complain of having ill ventilated, dark school buildings. From the Administration Report of the State for 1107, it is found that a sum of Rs. 5.3 lakhs is spent under grants-in-aid. The figure must have since gone up to nearly Rs. 6 lakhs. It is our point that Government should set apart a small portion of this amount towards aid to be given for building purposes. We would suggest that Rs. 25,000 every year, for about a dozen years, would be sufficient to have all the school buildings constructed on the model plan.

If, however, Government find themselves unable on financial grounds to carry out this proposal, we have to observe that it would be hard to insist on private agencies providing school buildings at any high cost. Where any private agency is not in a position to put up buildings on the model plan or to remedy the defects or to provide additional accommodation, the only alternative is to reduce the grade of the school and suppress divisions in such a way as to render the building sufficient to accommodate the maximum number of classes it may hold, or to advance the sum required for the repair or additional accommodation on condition that it will be recouped in monthly instalments from the grant.

45. The recommendation of the Director in so far as buildings for Secondary Schools are concerned seems to us very pertinent and we endorse every word of it. At any rate, we can only say that there must be a fixed programme of construction; and the expenditure to be incurred to remedy the defects in the existing secondary schools should be spread over a number of years as in the case of primary schools.

46. The necessity for copying desks in at least the Upper Primary classes cannot be exaggerated. The deficiency pointed out by the Director in this respect in paragraph 48 of his Report is real, and has to be urgently supplied.

Equipment.

47. We have one suggestion to make in regard to this matter, on which Government may consult experts and take steps to effect the necessary modifications. The suggestion is to have in all primary schools permanent masonry benches with wooden tops built up along the 3 side walls on the class rooms, and in addition wooden desks of strong pattern for the Upper Primary classes alone. By having such benches, the chances of breakage would be minimised. They not only would not involve much initial cost, but would obviate the necessity of constant repair.

The Director's suggestion regarding furniture in Secondary Schools has also to be carried out with the least possible delay.

48. In paragraphs 46 and 47 of the Survey Report, the Director has recommended that every Primary School should be equipped with a library, though on a modest scale. We fail to appreciate the force of the suggestion, in as much as it is a matter of common knowledge that pupils in elementary schools of the age of 5 to 10 are in the first place not expected to take to extra reading and secondly not in a position to make use of a good supply of books on a variety of topics. Nor do we understand the Director correctly when he suggests that the library may be made to compensate for the deficiency of individual supply. Deficiency of individual supply there may be on account of the poverty of parents, but we cannot understand how the lending of books to the little children from school libraries and the enforcement of their regular return in good and proper condition can be controlled. It appears to us that, in the event of a library of this kind being started, it will have to be replenished with fresh supplies of books at very frequent intervals due to each supply being lost or damaged in no time. For these reasons, and on the ground that the necessity for it has not been established, we are not able to recommend it for the acceptance of Government.

School libraries.

49. But as an alternative suggestion, and in the interests of the young men in rural parts who for various reasons are forced to leave off their scholastic

Village libraries.

career after the primary standards and lapse into illiteracy, and also in the interests of the teachers of Primary Schools who "without the means of travel, and of any other opportunities for social contact and culture, seldom receiving the benefits of a refresher course of studies in the whole course of their active career, gradually deteriorate into mere machines for the pumping of stray bits of miscellaneous information into the pupils in accordance with the curricula," we would like to place before Government the desirability of extending the scheme of the 'Village Libraries' which they have already started. We have studied the rules which have been framed by Government to govern these village libraries and we find that each library costs to Government Rs. 129 per year as detailed hereunder.

1. Grants for the purchase of books, etc.	Rs.	50
2. Bonus to Secretary	"	25
3. Do Assistant	"	15
4. Masapidy	"	25
5. Lighting charges	"	24
	Total	Rs. 129

In our view it should be possible with a few modifications to the present rules to institute one such library in every Panchayat area. We have had the advantage of an informal discussion with the Registrar of Village Panchayats on this matter, who agreed with our suggestion to set apart a portion of the funds of each Panchayat or rather of the whole department towards the expenses necessary in connection with the libraries. In conformity with these ideas, we have framed a set of rules and annexed it to our report (Appendix XIII). The underlying principle of the scheme is that every library should be started by the people, that Government should only aid and arrange for the purchase of books and magazines, and that every library so started shall be under the executive control of a small body of committee members, composed of the President of the Village Panchayat as its President, the Headmaster of one of the Sirkar Primary Schools in the locality as its Secretary, one or two officials such as the Deputy Inspector, the medical man in charge of the rural dispensary, and two or three prominent non-officials in the locality as its members. One-third of the funds required to maintain the library should be contributed by the people, one-third by the Panchayat and one-third by Government. For the starting of the library and reading room, the people should initially collect a donation of at least Rs. 25 and remit it to Government and Government will supply the library with books worth twice the amount collected, with an almira for keeping the same. The school Inspecting Officer shall visit the libraries at least twice a year and inspect them once. With the library located in the village school, the Headmaster as Secretary or Librarian and the Inspector of Schools as its Inspector, the school would be functioning as 'the centre and the base of operations for all the beneficent activities that make for the enrichment and uplift of the village life.' We hope Government may not find it difficult to put our suggestion into effect gradually, so that in a very few years, the benefits accruing from it may be begun to be realised in all parts of the State.

Libraries for
Secondary
Schools.

50. So far as the libraries of Secondary Schools are concerned, we feel with the Director that the supply in almost all libraries is insufficient. Libraries attached to the Secondary Schools stand on a footing altogether quite different from those proposed for primary schools. Pupils in Secondary schools should be trained in the habit of home reading and should be encouraged to gain extra information on general subjects which are not taught at school. A variety of books in the libraries is thus essential and we do not expect that Government would grudge to spend on this very important item.

At present a secondary school gets an allotment of a yearly sum about Rs. 75 on an average for its library. This is quite insufficient. Government should find their way to allot at least an amount of Rs. 100 to each secondary school for the purpose.

51. The Director has rightly laid stress upon the want of good laboratory equipments in the secondary schools. On a modest estimate, we think that each school should be given a yearly sum of about Rs. 200 for the purchase of laboratory articles and apparatus. Of course, schools newly started would require a larger capital expenditure under this head which may be distributed over 3 years. Laboratories.

52. We do agree that some Government grant may be given to aided schools also for this purpose.

We have nothing to add to the recommendation of the Director in paragraphs 51 and 52 of his Report. It is for the Government to find out suitable poramboke lands available to be placed at the disposal of the school authorities. Play-grounds.

53. So far, we have only discussed the recommendations of the Director relating to 'buildings and equipment'. In regard to equipment and games we have to offer one or two proposals for the consideration of Government. These suggestions, if carried out, would not only save Government from the necessity of a greater provision for such expenditure, but would at the same time ensure a good application of the funds given for the school for the purposes concerned.

Our first suggestion is that a special fee of Re. 7 per year, to be called the 'equipment fee' be levied from all pupils in the Upper Secondary classes in addition to the other special fees now collected. As it would mean only an addition of annas two per student per instalment, we have been told that it would not be a very great extra burden on the parents. We recommend the levy of the extra fee, in consideration of the fact that schools have to maintain laboratories for the teaching of Elementary science which includes Zoology, Botany, Physiology, Physics and Chemistry, and to incur periodically expenditure towards the purchase of the teaching aids such as charts, maps, and globes, etc., for the study of general knowledge subjects like History and Geography. The question of the levy of a fee of Rs. 1-8-0 per student from those who take up science subjects as optionals was also not left unconsidered, but on this point there is diversity of opinion. We are not therefore prepared to recommend it at this stage. Equipment fee.

Secondly, we would recommend that special fees such as library fee, sports fee, and equipment fee should be set apart specifically for the purposes for which they are collected. At present the practice is to merge all these special fee collections into the general revenues along with the regular fees as receipts of the department, and to allot on the disbursement side of the budget the necessary amount towards the expenses on account of these various items. This practice often results in a far less amount being spent for the items concerned. Special fee collections; utilisation of.

We would recommend that all such collections of a particular school may be deposited in the Sirkar Treasury in the Personal Deposits Account of the Headmaster concerned, and these Headmasters be allowed to draw upon the amounts according to necessity in accordance with the scale of expenditure previously approved by the department.

54. The advantage of this procedure would be in the first place that Government need provide from the general revenues only a much smaller amount for expenditure under these heads than heretofore, and secondly that the drawing from this provision will be made only in the event of necessity, and after the amount under the Personal Deposits Account is fully spent. On a rough calculation we find that the arrangement proposed will not entail any additional cost to Government.

55. So far as aided schools are concerned, we understand that even now the rule is that the special fee collections should be spent for the specific purposes, and that these amounts are not to be taken into account in assessing the receipts of the institutions. There is nothing new in our suggestion; what we desire is only that the same procedure should be applied to Sirkar schools as well.

The insistence of the levy of an additional fee of Re. 1 per year per student in aided schools has also the advantage of Government not having to give much extra grant to those schools by way of equipment grants.

C. Staff.

Employment
of trained
teachers.

56. With regard to the question whether it is desirable that nobody should in future be employed as a teacher unless he possesses a teacher's certificate, there is no doubt that a trained teacher will ordinarily do better than an untrained one, though it will be conceded that the quality of a teacher's work is not dependent merely on his undergoing successfully the course of training in any school or college, but on several other factors, such as character, temperament, environment, etc. But these points are beside the issue; so long as Government have recognised the importance of the training course, and have deemed it necessary to insist on all teachers undergoing this course sometime or other during their official career, it is desirable to insist on the training qualification at the time of recruitment.

57. But there are practical difficulties. In the case of Elementary and Secondary training the rules of admission to the training institution require an applicant to be already an employee in a Government or a recognised school. It is only very recently that a small number of private candidates began to be admitted into the training school. Since provision has to be made for the training of the untrained teachers already in service, and since it may not be possible to get a sufficient number of freshers trained year after year, it may be rather difficult to work out this principle in practice, at least for some years, till all the untrained teachers in the department are got trained. This difficulty may be minimised if the department makes provision for getting a larger number of teachers trained year after year, and if the number of freshers taken up for training is made to correspond more or less with the vacancies that may arise.

It will be all the more difficult to apply this principle to graduate teachers since the chances of a Cochinite graduate getting trained depend on the number of vacancies in the Training Colleges at Saidapet, Trivandrum and Mysore and on his being selected by the department.

58. It appears to us, however, that, in taking up this position of enforcing the rule of training, the Director is influenced by another consideration, apart from that of efficiency. This other consideration is that of cost. He says that the 'employment of the certificated teachers will also reduce the present educational expenditure'. Obviously he refers to the expenditure on account of stipends and grants given to the teachers deputed for training. The budget estimate for the current year provides a sum of about Rs. 26,000 as the probable expenditure for getting the present complement of the teachers in Sirkar Schools trained in Colleges outside and in our Training institution. This does not take into account the grants paid to aided schools in this respect. The point stressed by the Director is that all such expenditure can be saved if the condition is enforced.

Though we are not prepared to suggest the acceptance of the condition as a hard and fast rule, we wish to clearly point out to Government that we have absolutely no objection if the teachers are required to undergo training at their own cost, *i. e.*, without stipends from Government. In that case, future recruitment of teachers will have to be made on the specific conditions that they should undergo training at their own cost within a minimum period to be fixed by Government, and that their confirmation would depend on the successful termination of their training course.

Theoretically there is absolutely nothing objectionable in this, but how hard it will hit teachers is the only consideration that has to be looked into. A rule of the kind is sure to be viewed with disfavour by aspirants to the teaching profession because it deprives them of the only source of maintenance during the period they spend in the Training Institutions. A person after his scholastic career and entry into service would have, by the time he is called upon to undergo

the training, normally become the sole support of his family. To ask him to undergo training not only without any stipend from Government but at his own cost would certainly affect him financially to a great extent. We feel the force of this possible objection, but we would say that the first entertainment of persons subject specifically to the condition would take away much of its weight. From the standpoint of Government and the finances of the State, we are constrained therefore to press the desirability of laying down such a rule.

59. The above cannot, of course, affect those teachers who have already been entertained and confirmed in service, because their entry into service was when conditions were otherwise. But even with regard to them, we would suggest that the rate of stipends may be reduced. Under the present rules, a graduate teacher going out for training gets a stipend equal to half his substantive pay, subject to a minimum of Rs. 30 and a maximum of Rs. 40. A teacher selected for Secondary or Elementary training gets half the permanent pay subject to a minimum of Rs. 20 or half the permanent pay subject to a minimum of Rs. 15 as the case may be. A reduction of these rates to one-third of their substantive pay subject to a maximum of Rs. 20 and Rs. 25 for men and women respectively for the graduate training, and Rs. 10 and Rs. 15 respectively for men and women uniformly for Secondary and Elementary training, will not, in our opinion, operate as a serious handicap on them. In Baroda, the teachers under training get only Rs. 9 and that for 10 months only. Such a reduction will considerably reduce the expenditure under stipends and grants.

60 In paragraph 55 of the Director's Report he makes a recommendation to discontinue the exemption given to teachers who have put in 15 years' service, or have completed 43 years of age. Though we note that it is not a point on which we have been asked our opinion, we wish to submit that by that time such a teacher would have sufficiently acquired all the practical knowledge of the teaching profession and the training would perhaps be a superfluity in his case. Besides, a teacher with so much experience to his credit may not be sufficiently responsive to the training that may be given. In our view this concession is a salutary one, and may continue. Such teachers should enjoy the same privileges as trained teachers.

61. There is a volume of cry raised against this—what is also called the 'double shift'—system, whereby one teacher is obliged to engage two classes in a day, one in the morning and the other in the afternoon. The evidence of the Inspecting Officers of the department has tended to confirm the Director's objection that the half-time system works more often in theory than in practice. The chief defect in its working as pressed before us by the officers of the department and by others interested in the subject is that it works a serious hardship on the student population as well as on the teachers themselves. It has been pointed out very pertinently that small children who are taught on this half-time arrangement often come to school along with their elders and stay at school till the elders are ready to leave. In other words, a child having his class from 10 a. m. to 1 p. m. under this system stays at school till 4 p. m. and another child having his class only in the afternoon starts from home before 10 in the morning. The defect from the point of view of the teacher is that he is obliged to engage himself in repetition of the same lessons twice in the course of the same day, and consequently gets tired and worried. The small allowance of Rs. 5 given to him for the extra hour's teaching is no compensation for the physical strain involved. The difficulties attendant on the arrangement have also been responsible for the misapplication or rather the non-application of the system. Out of the 213 divisions of classes stated by the Director to be worked on this system, we understand that very few of them do actually follow it. What is found in the others is that both sets of students are engaged by the teacher simultaneously the whole day. From the point of view of parents also there is serious objection in regard to this. Two pupils of the same class but in two different sections, one in which the half-time system works and the other in which it does not, get two different courses of tuition, viz., one for three hours and the other for five hours a day.

Half-time
system.

The difficulties and objections raised *supra* are no doubt real, but such difficulties are due more to the absence of uniformity in all similar schools. We do not think that a small child in the first two or three classes requires tuition for full five hours, and that, as will be explained in the portion of the report regarding elementary education, it will be desirable to extend the system to all Lower elementary schools, such schools working only for 2½ hrs. a day. A teacher engaging 2 classes each day will thus have only as much work as any other teacher. This will not also occasion much strain on him. On this point our view is therefore that the present method of following the 'double shift' system has to be abolished, and all classes of Lower elementary schools should be made to work only for 2½ hrs. a day.

Specialists.

62. With regard to the grouping of schools for the teaching of special subjects such as Needle-work, Drawing and Music, we have not the least objection to Government adopting the recommendations of the Director in paragraph 57 of his Report. The evidence collected by us on the point also lends support to the view that not more than two primary schools, nor primary schools situated at a distance of more than 3 miles, should be grouped. But it is our opinion, as also that of a number of witnesses examined, that it should be the endeavour of the Department to get primary class teachers trained in Needle-work, Music and Drawing, so that in course of time we may get on without these specialists. This would necessitate a remodelling of the training course to a certain extent. This topic will be dealt with in the section relating to curricula of studies.

Pay of teachers.

63. Before offering any remarks on the question of the need for revision of the pay of teachers in the Primary and Secondary Departments, we shall give a short analysis of the revisions that have been effected in the pay since 1083. The following table speaks for itself.

Year	Vernacular	Anglo-vernacular	Secondary (Headmaster included)
1083	Rs. 5, 8 to 10, 10 to 12, 10 to 15, 12 to 15, 15 to 18 and 18 to 20	9 to 12, 10 to 15, 12 to 15, 15 to 20, 20 to 25, and 25 to 30	9 to 12, 12 to 15, 15 to 20, 20 to 25, 25 to 30, 30 to 35, 35 to 40, 40 to 50, 50 to 60, 60 to 70, 75 to 100, 100 to 125, 125 to 150 150 to 175
1089		Minimum raised to Rs. 15	
1095	Minimum raised to Rs. 15		Pay of graduates raised to Rs. 50 and the grade of Rs. 100 to 125 raised to 125 to 150
1101	Rs. 15, 15 to 20 and 20 to 25	20 to 25, 25 to 30 and 30 to 35	35 to 40, 40 to 45, 50 to 60, 60 to 70, 70 to 80, 75 to 100, 80 to 100 and 125 to 150
1107	17, 20 and 20 to 25	20 to 25, 25 to 30 and 30 to 35	35 to 40 40 to 50, 50 to 60 60 to 70, 70 to 85 90 to 110, and 125 to 200

It has to be noted that the minimum pay of a vernacular school teacher has risen from Rs. 5 in 1083 to Rs. 17 at present *i. e.*, by 240 per cent and that the maximum from 20 to 25, *i. e.* by 25 per cent. The minimum and the maximum of the pay of the Anglo-vernacular School Teacher rose by about 111 per cent and 11 per cent respectively. The minimum pay of a graduate teacher was made Rs. 50 in 1095 and is now again only Rs. 35, the reversion to the lower pay being due probably to unemployment among graduates. Though one cannot say that the maximum pay of the primary teacher is very poor, it has

to be remembered that it is not all teachers who can expect to get into that grade. Promotion from one grade to another depends upon the vacancies arising every year, and the additional posts created in the higher grades. As chances for such promotion are very meagre, it often happens that a teacher beginning his service on his minimum pay has to remain on the same pay for a very long time. Similar is the case of a teacher in the Secondary Department. The only remedy for this state of affairs is the introduction of a time-scale of pay, the necessity for which cannot be over-estimated.

64. On the basis of these general observations we proceed to consider the question of further revision.

Under the new scheme we have in view and which will be explained in the relevant portion of the report, we propose to have in the State only one class of schools instead of two as at present—Anglo-vernacular and Vernacular. It is therefore necessary to fix only the pay of one set of teachers. Considering the huge rise we have witnessed in the minimum emoluments of a primary teacher and considering also the percentage of increase in the pay of an employee of similar qualifications in other departments, we do not say that the teachers in the Primary Departments have not had full justice at the hands of Government.

Time-scale
of Primary
teachers.

All the same, a time-scale of pay, whereby a teacher can earn increments instead of having to remain on the same grade for a long period has to be fixed for them. With regard to the nature of the scale to be adopted, a series of alternative suggestions have been made to us by those interested in the matter and all these were duly discussed, with special reference to the cost thereof. To meet both the Government and the teachers half-way, we deem it sufficient to offer the following grades for the consideration of Government, viz., Rs. 17—1—20, Rs. 20—1—30 and Rs. 30—1—35. The last grade is for the Headmasters who will be given a supervision allowance of Rs. 3 per mensem. The other two grades will be distributed in the ratio of 3:1. Unpassed men now in service should not be allowed promotion to the higher grade, as also those who are untrained and who have not become eligible for exemption from training.

We have carefully considered the question of providing a long time-scale for the Secondary Department teachers also. The Teachers' Association, which is the most important representative body of the State, competent to offer constructive suggestions on this point, have placed before us in their answers to the questionnaire and during the oral evidence tendered by them, a detailed scheme of revision, and have also succeeded in convincing us of the need for some reform. Unable though we are for reasons beyond our control, to accept their scheme in its entirety, we hasten to assure them that their cause has our sympathy, and that we would, as far as the resources of the State permit, recommend to Government a definite improvement in their position.

Time-scale
of Secondary
teachers.
(Headmasters
excluded.)

Though at first we had the idea of recommending a uniform time-scale for all these teachers, the result of the calculations we made about the extra cost to Government on account of that proposal, compelled us to reconsider the position and adopt quite a different basis.

We would therefore suggest two different sets of scales, viz., Rs. 35—3—80 and Rs. 80—4—120 in the proportion of 3 to 1. From the figures furnished to us by the Comptroller of Accounts we find that there are in all 319 teachers in the Secondary Schools, of whom 74 are in the grades of Rs. 90—110 and Rs. 70—85 and the rest, viz., 245 in the other four grades. We would allot 75 posts to the higher grade of our proposal and 244 to the lower one, so that teachers already in grades above Rs. 60—70 may not be adversely affected by our suggestion.

65. In view of our proposals regarding the revision of the scales of pay of the teachers, we do not think that any selection grade appointments are called for.

Selection
grade ap-
pointments

66. The present scale of pay of the Headmasters of the Secondary schools is Rs. 125—5—200, the maximum being reached in 15 years. Often, if

Headmasters.

not always, a person happens to get into this grade when he is far advanced in service and in age, and no one will have the chance of reaching the maximum, not to speak of earning the maximum pension. It is therefore only quite in the fitness of things to so arrange the yearly increments as to enable one happening to be appointed to the post to reach the maximum at least one or two years before his retirement at the age of 55.

In our proposals regarding the pay of secondary teachers, we have put down the maximum at Rs. 120 and in our proposals regarding the pay of the Inspectorate, we mean to recommend a revised grade for the Deputy Inspectors in keeping with their responsibilities and status. As the Headmasters of Secondary schools should in our view have a minimum higher than the maximum pay of the teachers and the Deputy Inspectors, it is necessary that the minimum of their grade should be fixed at least at Rs. 150. Taking all these facts into consideration, we would fix their grade of pay at Rs. 150—10—200.

67. There would then be no necessity to have any selection grade posts for Headmasters, who have no hope of rising to anything higher as recommended by the Director.

Allowances
to Head-mas-
ters of Lower
Secondary
schools.

68. We agree with the suggestion that the Headmasters of Lower Secondary schools should be given a charge allowance, just like Primary school Headmasters. This is necessary specially because there is no special grade for these Headmasters of Lower Secondary schools and greater responsibility than that of the regular class teacher devolves on them. As to the amount of allowance to be given, we would fix it at Rs. 5 per mensem.

Pay of Spe-

69. The most satisfactory grading of specialists for purposes of fixing their pay will be with reference to the class of institutions in which they are expected to teach. There are three different classes of schools, Elementary, Secondary (lower and upper) and special schools such as the Training Institution.

Elementary
School special-
ists

Under this category there are music teachers, needlework teachers, drawing teachers and Koran teachers. The present grading of these respective specialists is as follows.—

Music	Rs. 20
Needlework	Rs. 20 and 20—25
Drawing	Rs. 20
Koran	Rs. 15—20

Regular teachers get Rs. 17, Rs. 20, and Rs. 20—25 in Vernacular schools, Rs. 20—1—25, 25—1—30, and 30—1—35 in English schools.

Since we have not been able to understand the reason for the provision of a special grade in the case of the Needlework teachers alone we do not want that the distinction should be maintained. All specialists in the Elementary schools will be in the same grade of Rs. 20. In view of our proposal to replace these specialists in the long run by means of regular teachers, there would be no justification in ordering a revision of their pay at present. The case of the Koran teachers also does not deserve any special notice seeing that their pay was raised only very recently from Rs. 10 to Rs. 15—20.

Lower Se-
condary and
Upper Se-
condary spe-
cialists.

They include Pandits (Sanskrit, Malayalam, Tamil, and Arabic), Drawing Masters, Drill Masters, Needlework teachers, Music teachers and Hebrew teachers.

We note that, while Sanskrit Pandits are put in two different grades, *viz.*, Rs. 25—50 and Rs. 20—30, Tamil Pandits in three grades, *viz.*, Rs. 25—50, Rs. 20—30 and Rs. 20—25, and Arabic Pandits in two grades of Rs. 25—50 and Rs. 20—25, the Malayalam Pandits are in the same grade of Rs. 25—50. This differentiation between Sanskrit and Malayalam Pandits has been made, probably because in Lower Secondary classes Sanskrit is taught by Pandits but Malayalam generally by class teachers. We think it would be more equitable to reclassify them according as they are to teach the Lower Secondary or the

Upper Secondary classes, and to have a uniform grade for all of them in each of the two departments. It would accordingly be desirable to fix the two grades at Rs. 20—1—30 for the Lower Secondary and Rs. 30—2—50 for the Upper Secondary.

Drawing Masters are now in two different grades, *viz.*, Rs. 25—2½—50 and Rs. 20—1½—35. The grade seems to be very fair, though there can be no possible objection to regrading the pay as Rs. 30—2—50 and Rs. 20—1—30 as in the case of the Pandits, and in distributing a number of posts between them in the ratio of 1:7.

The pay of Rs. 20—30 for Drill Masters, of Rs. 20—30 for Needlework teachers and mistresses and Rs. 20—30 for Hebrew teachers in the Secondary Department does not stand in need of any immediate revision, in view of the low qualification prescribed for the posts.

With regard to Music teachers in the Secondary Department, the two grades now obtaining are Rs. 35—50 and Rs. 20—25. We recommend that the grades may be altered into 30—2—50 and 20—1—30 for the Upper and the Lower Secondary Departments respectively.

The grade of the Pandit, the Music teacher, the Drawing teacher, and the Needlework teacher in this institution may be uniformly fixed at Rs. 30—2—50 for each. The pay of the other specialists does not in our opinion need revision. We have only to observe in this connection that in appointing specialists to the Training Institution, selection should be by merit, and not by mere seniority.

Specialists
in the Train-
ing Institu-
tion.

D. Curricula of Studies.

70. In dealing with the subject of the extension of Elementary Education course and the curricula for it, we have been concerned primarily with the question of the object and the usefulness of the course, the defects in the present curriculum of studies and the measures to be taken to remedy them. We were aware of the existence of a special committee—The Elementary Vernacular Education Committee—appointed by Government to study and report upon the question in all its aspects and were at first reluctant to handicap the efforts of that Committee by offering any opinion of our own in a matter of such far-reaching importance and usefulness to the mass of the population of the State. But on second consideration, based chiefly on the circumstance that the terms of reference to us specifically raise this point and expect us to give some definite opinion on it, we have deemed it necessary to tackle the problem and set forth our views before Government to guide their future policy in that regard. We wish also to inform Government that in making our recommendations on this point we have ascertained the views of that committee on some of the broad points connected with the subject. Copies of our letter to that Committee and their resolutions are appended to our report. (Appendix XIV).

1. Elementary
Education.

71. We have considered their resolutions which could not but be tentative since that Committee had not been able by then to collect all the data required; and we have come to some definite conclusions which will be adverted to below.

We are thankful to the Chairman and the members of that committee for giving us their views on the points referred to them.

72. There cannot be two opinions on the point that Elementary Education should be complete in itself and it will be erroneous in principle to regard it as merely a preparation for secondary or higher education. The aim in making it free and the demand to make it compulsory are based on this principle. It is not our purpose here to discuss the ethics or propriety of compulsory elementary education; nor do we propose to consider in detail that issue, except by offering some general observations, in view of certain remarks made about it in the recent sitting of the Legislative Council in connection with the Primary Education Bill. We wish to confine ourselves mainly to whether mass

education, which is a leading charge on the public revenues of the State, and which is intended to be given free to the youth of the country irrespective of caste, religion or sex with a view to improving the literacy of the people, does at present keep up the ideals required of it, and how far it stands in need of revision.

Compulsory
education.

73. The question of introducing compulsory education in the State was considered so early as 1095 during the Diwanship of Mr. (now Sir) T. Vijayaraghavacharya, when it was referred for opinion to the Education Code Revision Committee. That committee in which two of us (Messrs. S.K. Subramania Ayyar and V.K. Achyuta Menon) had the privilege of being members reported that no coercive measures should be resorted to until all attempts to extend education on a voluntary basis were tried. The percentage of literacy which was then 63 was reached without resorting to compulsion, and the parents and guardians in the State were anxious to send their children to school. Wherever schools were started they were full all at once, and additional accommodation had to be provided for in a very short time. The concessions given to the backward and depressed classes were fully availed of by them, and the strength of the pupils of these communities has always been on the increase year after year.

Fourteen years have elapsed since Government accepted the views of that committee and decided that no compulsion was called for. It may be of interest to ascertain how elementary education has progressed during this period, and whether any necessity has arisen for introducing compulsion now in the whole State or any local area.

The following statement exhibits the number of schools and the number of school-going children from 1095 to 1107 at intervals of 6 years.

Year	Primary Schools		Number of pupils			Number of school-going pupils	
	Boys	Girls	Backward	Depressed	Muslims	Boys	Girls
1095	364	65	13,786	2,992	Not available	66,602	69,115
1101	445	63	33,575	2,962	4,378	72,444	74,420
1107	562	72	41,576	9,633	6,294	90,845	87,627

It is seen that, during these 12 years, for a 50% increase in the number of schools, the increase in the number of pupils of the backward and depressed classes has been threefold, while the increase in the number of Muslims is presumably twice, and that the percentage of school-going children to the number of children of school-going age has increased from 63 to 84.

The only areas in the State which can be considered as backward in point of education are the Talappalli and Chittur Taluks, where people do not take sufficient interest in educating their children on modern lines. We have recommended elsewhere in this report that the Department should concentrate its efforts on improving the strength and attendance in these areas. In paragraphs 39 and 40 of the Director's Report, he has also referred to the special measures that have to be taken to make the people realise the advantages of sending their children to a modern school in preference to a pyal school. We have been told that pyal schools are preferred merely for the reason that such schools are in charge of the pupils for practically the whole day, when the parents are out for farm work. It would be sufficient if in such areas schools work only during certain seasons of the year when the parents may be quite willing to send their children to schools. We are emphatically of the opinion that compulsion will not be a success in these areas.

So far as the other parts of the State and other communities are concerned, for example the Nambudiri section, there is absolutely no need for compulsion. Special encouragement in the shape of stipends for some years, as recommended by the Director, will quite suffice to improve education among this community. It was pointed out by the Manager of the Jews' School, Ernakulam, in which the average attendance is only 30 per cent and the average cost per pupil is Rs. 20, per annum that Government should resort to compulsion if attendance should improve. Further investigation may be carried on before final action is taken.

74. As we have remarked, Primary Education should be complete in itself, and the aim is that the pupil going out to enter life after his course should be equipped with a working and rudimentary knowledge that would be of help to him in starting life, earning a livelihood and taking an intelligent interest in the well-being of his village. In other words, it is, as the Director has remarked, a preparation for the duties of citizenship. How far the present course is a preparation for it is a matter which seems to be rather questionable.

75. Any efficient system of Primary Education should satisfy the following conditions:—

(1) Pupils should be admitted at a sufficiently advanced age so that they may be benefited by the instruction imparted at school.

(2) The course of Primary Education should be extended to a sufficiently long period so that by the time the pupils leave the school, they should have assimilated what has been taught and should be in a position to take without much extraneous help, an intelligent interest in public life.

(3) The curriculum and teaching in rural areas should be suited to the environment of pupils, should have a bearing on the village life, and should "draw strength and inspiration from the life of the country-side".

(4) School hours and vacations should not aim at dull uniformity but should be so arranged as to suit the different conditions in different localities, always taking care that children are required to attend school before the hours of daily labour but not after it.

(5) Every class should have a teacher and the classes should be full to reduce wastage as much as possible; but at the same time the number in each class should not be too many.

(6) Teachers who are employed specially in rural schools should, as far as possible, be recruited from those rural areas themselves so that they may be able to make the pupils appreciate that the acquisition of knowledge has some relation to actual life.

and (7) The inspecting and supervising staff who are expected to guide the teacher should be sufficient in number and should take all possible steps to reduce wastage.

76. Judged by these standards we would indicate below the remedies and improvements that may have to be effected in the present system of Primary Education in the State.

Out of the 634 schools in the State 522 are in rural areas and the rest in urban parts. Out of the population of 12 lakhs in the State, the rural population is about 10 lakhs. From the statement of strength of classes 1 to 4 in the Primary stage in all the schools, it is found that out of about 45,000 pupils admitted into class I in a year about 15,000 alone reach the 4th class; that is to say 30,000 drop off during the course. Calculating at Rs. 7 per pupil per year, the wastage on account of such pupils leaving off before the completion of the course will be nearly 4 lakhs of rupees. While in countries where the Compulsory Education Act is being worked, pupils continue in the same class for a number of years and thus stagnate in our State on account of the minimum strength of 30 that is required for eligibility of full

grant, the defect is more in laxity of promotions, which has been strongly commented upon in many of the replies to our questionnaire.

Minimum age
for first ad-
mission.

77. In the first instance, under the present system of a four years' course with a rather crowded curriculum and with no minimum age for first admission of pupils whereby a boy or girl happens to finish the elementary course before he or she is 8 or 9 years of age, we are forced to have to record that it reveals an unsatisfactory state of things which has to be deprecated.

It is the opinion of the Inspecting Officers and other educationists who have expressed their views on this point that it is found extremely difficult to manage at school a child who is below 5. It would be a salutary principle, according to them, if a suitable minimum age is insisted upon which would avoid the school being converted into a nursery as at present. Opinions are divided about the minimum age to be fixed. It has been argued that, if the education given is to be effective, the age should be raised to 6 or even 7. We feel that, if children who have completed 5 years on the date of admission (Edavam) or would be completing 5 on the 1st of Chingam following the date of admission are alone admitted, complaints would be minimised. In the case of those children who seek admission into the school in a higher standard after a course of satisfactory private tuition, we would recommend that they may be allowed to sit for the annual examination and admitted into the class for which they may be found fit.

78. With regard to the course of Elementary Education which, consistent with the ideals required of it, and consistent also with the age of the pupils, should be considered as normal, it has been the definite opinion of all concerned, and of ours too, that the present course of four years is insufficient. There was, as Government are aware, a time when a five years' course was in vogue, and we consider that the reduction of the course by one year has adversely affected its efficiency. We hold that a 6 to 7 years' course is desirable. But as a first step we would strongly recommend that a five years' course be introduced, with such modifications in the curricula of studies, as will be explained below.

79. As to the question of subjects to be taught in this course, the following extract from the 'Indian Statutory Commission Interim Report on Education' is to the point.

"While in a Primary School in India, little can be expected at present beyond instruction in reading, writing and Elementary Arithmetic, and while the need for extending literacy is so great that for some time 'three R's and no nonsense' must be the motto of the schools, it is essential that the instruction should be related in the early stages to matters which the village child sees and knows and understands. He should be taught to read and to do sums about things which are a reality and not a mystery to him. The great majority of villagers are in urgent need of better conditions of life, better sanitation, medical relief, freedom from debt and social and intellectual awakening. We, therefore, feel strongly that the aim of every village school should include not merely the attainment of literacy but the larger objective, *viz.*, the raising of the standard of village life in all its aspects. A well attended school directly related to the surrounding conditions can do much towards training the younger generations in ways of hygiene, physical culture, improved sanitation, thrift and self-reliance. The school itself can also, as notable examples have proved, claim a leading and respectable place in the village community by directly assisting in however simple a manner, in the provision of the simple medical relief, adult instruction, vernacular literature and attractive recreation".

Practical work should occupy a large part of the time merely for its educational value and its training in manipulative skill but not for its economic value. It should consist of a variety of exercises and the pupils should participate in those occupations so that they may be of assistance to them in making an intelligent choice later. Pupils will thus have complete freedom of choice so that different tastes and aptitudes may be tested and subsequent selection of pupils for particular types of vocational training may be rendered easy.

Bearing these facts in mind, the curriculum should, in our opinion, include the following subjects. Language (vernacular), Arithmetic, Elements of Hygiene and sanitation, Physical Training, History of Cochin especially Civics, Geography of Cochin and the Madras Presidency, Drawing, English as a subsidiary subject in the highest two classes, Music and Needlework for girls, and practical work illustrative of a variety of occupations such as gardening, paper work, basket-making, etc.

80. In the course of the discussion of this question we have been impressed with the popular demand that is being made in the rural parts, for the provision in all schools for the teaching of English. We take the demand as arising from the general notion, not ill-founded certainly, that a working knowledge of English has come to be considered as very necessary in these days in any walk of life. Paradoxical as it may seem, when the cry in the air is now-a-days for vernacularisation of education, the demand for a smattering of English in the elementary stage cannot be brushed aside.

Teaching of English in the highest two classes.

It is therefore suggested that provision be made in the curriculum for the teaching of English as a subsidiary subject in the highest two classes in the five years' course. Vernacular is to be given its due share of importance as is claimed for it, but this cannot, in our opinion, be a hindrance to the inclusion of English also as part of a child's education in the elementary stage.

81. The teaching of English as one of the subjects in the last two years of the course naturally leads to (1) the future of the existing Anglo-vernacular schools where English is now being taught in all the four years and (2) the fitness of the children undergoing this revised five years' course with only two years of English study to be admitted into Form I for higher literary education. Under the proposals which we have made, we have no intention of continuing the present Anglo-vernacular schools as such and at the same time maintaining the preparatory class for pupils coming out of the present vernacular schools to qualify them for admission into the Secondary Course. Hereafter there will only be one set of schools—the elementary schools—instead of two as at present. They will be divided into two grades. The school having the first three classes will be Lower Elementary. Any pupil coming after the five year course should be fit for Secondary Education. If considered necessary, the teaching of English may be begun a year earlier in Elementary classes in urban areas.

One class of Elementary Schools.

82. We have not lost sight of the point that it is only the purely vernacular course of education that has been made free by Government and that fee is levied from pupils in Anglo-vernacular schools. It needs no specific mention that in doing away with the distinction between the two classes of schools and providing for tuition in English in all schools, the present arrangement of levying fee for English Education has necessarily to be abandoned. In other words the full five year course of Elementary Education will be free throughout.

Elementary Education free.

These recommendations of ours, no doubt, would affect to some extent the Government revenue, in that they involve the loss to Government of the fee collections from the English Primary Schools to the extent of Rs. 40,000 and the extra expenditure on account of the provision for an additional class in the Primary Department. This is inevitable and has to be faced.

83. While discussing the subject of Vernacular studies we would very much like Government undertaking a reform in the matter of editing and publishing vernacular text books for the Elementary course. In suggesting this course of action, we are influenced by several considerations and have not ignored the probable objections that might be raised against such a procedure.

Departmental Publication of Vernacular Text Books.

In the first place we note that the present text books intended for the Primary children are sadly lacking in that one element of useful variety of lessons which are as much, if not more, wanted in school texts in the lower classes, as in home life. Lessons containing useful information on general subjects of rural interest and local environment will be better taught and understood by children of those particular localities; hence if one common text book containing a variety of lessons is available, there will be wider scope for selection

to suit particular localities. As there are advantages in the latitude given for choice, we consider that Government would be justified in adopting such measures as would ensure the possibilities of having a set of books satisfying the above needs. Besides having a good quality of books, we have been satisfied that it would be possible to sell the books much cheaper—an important measure of relief and satisfaction from the guardians' point of view—and to have their get up and printing done in the most satisfactory manner on good paper. Not that we mean that the present publications are bad, but we think a better type of books costing less can be made available for children if Government undertake this task.

The only possible objection which might be raised against the suggestion is that it attempts to kill or under-rate the importance of private enterprise. The objection seems to us to have no great force and therefore does not appear to deserve serious notice.

84. We would like also to refer in this connection to the suggestions we have made in the section relating to "staff", about the duration of work of the pupils of the Lower Elementary Schools. We have remarked that such pupils require to be taught only for 2½ hours a day.

85. By having only 2½ hours' work for each class in the Lower Elementary Department, a possible means of retrenchment suggests itself. Two alternative suggestions have been put forward and they are (1) to manage with one teacher for one class of two divisions or for two classes of one division each and (2) to continue to have one separate teacher for each class, but to reduce his pay to some extent, consistent with the reduction in the hours of his work. These seem to us suggestions worth serious examination.

Under the first alternative there will be a considerable reduction in the number of teachers required. To us this sounds as a good proposition, since, without the sacrifice of efficiency, it goes a great way towards reducing the educational expenditure.

There is considerable difference of opinion both amongst the inspecting officers and among the other witnesses we have examined, as regards the wisdom of the second alternative suggestion. The position is not disputed that pay is given for work done, and that the fixing of a pay of Rs. 17 for five hours' work a day on an average does not mean that for one who has to do only 2½ hours' work a day, the same rate should be maintained. Whatever be the value of the position from an argumentative point of view, we certainly do not think that it is a workable suggestion, and are not therefore prepared to carry it further.

School hours and Vacations. 86. Our enquiry goes to show that the department has been sanctioning requests for change of school hours and for the fixing of vacations during the harvest season or the fever season in malarial tracts, etc., and a list of schools enjoying such privileges is appended to this report (Appendix XV). This is a wholesome practice and should continue.

Plural Class 87. With regard to the fifth condition that a school should be both economical and efficient, it is a matter for gratification that there are no single teacher schools at all in the State and that even plural class-teaching is resorted to only in special areas where the strength and the attendance are low. A list of such schools is found in Appendix X. In this connection we would like to recommend that teachers should be appointed for different classes if the total strength which a teacher has to manage under the system of plural class-teaching exceeds 30. The difficulty in the southern Taluks of our State is that classes, especially Lower Primary, are over full and there are as many as fifty in a class. Hence the problem with which we are concerned here is the fixing of a manageable maximum. It may be fixed at 40.

Selection of teachers for training. 88. In order that instruction imparted in Elementary schools may be efficient, it is essential that great care should be exercised in the selection and training of teachers. The teachers employed especially in village schools should be men with an essentially rural out-look and should, if possible, be selected from areas in which they are expected to work. They should, in addition,

receive a comprehensive and thorough training in the Training Institution in the subjects of instruction and also should be given a fairly general idea of the problems of rural uplift (i. e., a general outline of agriculture, co-operation, rural sanitation and reconstruction) so that they may be in sympathy with rural conditions and may understand the rural problems. It is well known that there are misfits in the teaching profession as in others. It is with a view to avoid this that it has been suggested elsewhere that the Board of Education should ascertain the number and distribution of vacancies that are likely to arise in the beginning of the academic year and should make a selection from among the applicants from the areas in which the vacancies are likely to occur.

89. We are told in paragraph 54 of the Survey Report that 1,623 teachers in Sirkar and Aided Schools now remain untrained, of whom 1,393, being undergraduates, school finals and unpassed hands, have got to be trained in the G. T. Institution, Trichur. The figures furnished to us lately by the Principal of the Government Training Institution show that about 1,528 untrained teachers—930 secondary and 598 elementary have put in less than 10 years' service. The forecast made by the Director that it will take at least a dozen years to get all these men trained should therefore be correct. There is also the chance that many of these would become eligible to claim the exemption from training under the provisions of the Code, by the time they are called upon to undergo training. It is therefore essential that every endeavour should be made to get all these men trained in as short a time as practicable. The only possible means of doing this is to increase the accommodation of the present Training Institution, to enable about 300 students to be admitted and trained in one year. After providing for the probable number of private students seeking admission, there will still be accommodation for about 250 employees in schools every year. Thus in about 5 to 6 years it will be possible for Government to ensure that all the teachers in Sirkar and Aided schools are qualified for the profession.

90. In view of our recommendation that qualified women teachers should be entertained in the Primary Department, it is extremely necessary to make provision in the Training School for getting a large number of them trained. There is thus ample scope to open another Training School for women or at least to attach a separate section for women to the present Training Institution.

Provision for training of women teachers.

91. We agree with the Director when he remarks that the choice of subjects and the framing of the curricula for Secondary Education in the State are rather restricted by the rules of the Madras University. We have therefore not thought it fit to tackle this question, so far as the literary course of Secondary studies is concerned; but our attempt has been to consider the advisability of imposing the present system of Secondary Education even on those who find it necessary to stop with the Secondary Education. The latter class of pupils are obviously not at all benefited by this present course which, to say the least, does them more harm than good. It is this aspect of the question that we mean to deal with below.

(ii) Secondary Education.

92. The question is closely allied to and connected with the question of vocational education. The general impression that has gained ground, and correctly too, is that the present system of vocational instruction imparted in our rural industrial schools is not at all satisfactory, and demands improvement in several directions. We generally agree with the observations of the Director in paragraphs 174 and 175 of the Survey Report pointing out the defects in the present system, and we have been satisfied on the evidence of some of those very people who are engaged in working this system, for example the Superintendent of the G. T. School, Trichur, the Industrial Inspector and the Head-master of the G. T. School, Ernakulam, that an overhauling is absolutely and urgently required, if any decided improvement is to be expected out of the vocational education. Our suggestions based on this principle have been made with a view to enhance the usefulness of the education that is imparted.

Vocational education.

93. A bifurcation of the course of the Secondary studies after 5 years of elementary education is what we have in mind. Under this bifurcation scheme, provision is to be made for two sets of courses, *viz.*, 'literary secondary' intended

Bifurcation after the elementary stage.

for those students who go up for higher collegiate education and 'industrial secondary' or more strictly 'pre-vocational' course intended for those who cannot and have not a desire to pursue their literary studies.

About the course of literary secondary studies we have not much to say, except that it should comprise as now a course of 6 years to take a pupil for the School Final Examination. As things stand, its curriculum must conform to the rules of the Madras University.

Home pre-
paration
course in
Girls' High
Schools.

The desirability of providing a 'Home preparation course' in Girls' High Schools as an alternative to School Final by introducing some subjects in the curricula such as Hygiene, First Aid, Domestic Science, Cookery, Needle-work, and such others, to enable a girl to understand the theory and practice of home life, may be considered. We feel that such a course for women in schools will render them more fit than now to enter life after their career in schools, especially in the case of girls who do not wish to prosecute their studies further. Another advantage is that it will easily pave the way for the establishment of what are called 'adult education centres' for women, where girls that have undergone this course can offer instruction to adult women on these subjects as part-time occupation. We would even recommend that adult women also, if willing, may be admitted into schools for this course alone. It is the opinion of the Committee that provision may be made in the High Schools at Trichur and Ernakulam for this special course.

Pre-vocational
schools.

94. The pre-vocational course will be provided with a less academic and more practical curriculum which would be related to the actual requirements of the pupils and the society into which they are entering. It should extend over a period of 4 years and should impart instruction in literary and industrial subjects both in the theory and the practice of the several cottage industries introduced. Such schools will teach literary subjects such as English, Mathematics (as much as may be required for the particular industry studied), Science (Principles underlying the industry) and Drawing, for half the session daily, the other half being devoted to the study of the industry selected. Such a curriculum may appear to be heavy, but as it will be a continuous and complete single course, it is possible to lighten it by spreading the curriculum over 4 years. Education in these schools should be free, but the system of giving stipends and scholarships should be discontinued.

The above are the main principles underlying the special course suggested. Now the carrying out of the suggestions involves many points which have to be cleared.

Staff.

95. The first is about the staff required for these schools. It is evident that the present teachers in the rural industrial schools have mostly no general knowledge of the theory of the industries, much less any literary attainments. If the Committee's scheme is to be a success, the staff of such schools should have a sound knowledge of English and should be able to teach the pupils everything connected with the industries, theory included. As such teachers are very rare now, the first thing to be done before establishing these schools is to get some teachers, possessing an aptitude for it, trained in the subjects, in some school or college outside the State offering such instruction. Till Government are in possession of that full complement of teachers necessary for the starting of schools in large numbers all over the State, a beginning may be made in three or four important centres such as Ernakulam, Irinjalakkuda, Trichur and Chittur by opening immediately schools of the type recommended by us. It will not be difficult with a proper selection to find out suitable candidates to form the staff required for these institutions at present.

Wherever the new schools are started, the rural industrial schools will have to be closed; the others should continue till they are gradually replaced by new ones, or till the most competent among the staff are absorbed in the new type of schools, after training, if so required. This suggestion is solely made in the interests of teachers employed now in the rural industrial schools, who will be obliged to go without employment, if we are to recommend the abolition of all industrial schools at one stretch

The third point is the standard of attainments expected of a pupil coming out of this type of school and his future. A pupil after his elementary education for 5 years and after successfully undergoing a course of 4 years' study in the new pre-vocational school, should be fit to engage himself in any trade or occupation and earn a living for himself, consistent with his age. His earning capacity would not only be more than that of one who takes a purely literary course of Secondary Education but also more than that of an ordinary workman in that occupation who has had no training or tuition in any school. Having learnt both the theory and the practice of any particular industry, the student should be expected to be fit to go out for work and earn wages, or to have cultivated a taste for further development of the knowledge of that branch of study. That is to say, a boy of 15 years coming out of this pre-vocational school is, either in a position to eke out his own livelihood, or to continue in that same branch of study in an advanced institution teaching the subject on a scientific basis, and to specialise in one industry or other. It is also our idea that such facilities should be provided for in the Trades Schools at Trichur and Ernakulam by suitably extending their scope and activities. Subjects such as Mechanical and Electrical Engineering, Commercial Studies on an advanced basis and others can with advantage be introduced in these institutions opening out chances for promising young men to specialise and qualify according to their aptitude and taste.

It will be seen that the choice of a career has to be made by a pupil of about 11 years or his parent, and in some cases the choice may turn out to be wrong. In such cases it is necessary to provide adequate safeguards to enable such pupils to get a transfer to the literary course after undergoing some training in the pre-vocational schools. We believe that the attainments of such pupils should be quite sufficient to entitle them for admission to a class lower by one year than the one in which they might be studying.

96. To summarise, a student going out of the Elementary School will enter life or a pre-vocational school, or a Lower Secondary School. (2) A student after the pre-vocational course of 4 years may enter a technical institute, or seek a transfer to the literary side by getting himself admitted into Form III of a literary school or may enter life as a skilled workman. (3) A student from a Lower Secondary School will go up for the High School course, or can enter a technical institute, and undergo an intensive course in one or more industries. (4) A student after passing the School Final is free to enter either a technical institute, or undertake Collegiate Education to enable him to join a professional college or an Arts College.

E. Grants-in-aid.

97. While discussing the point regarding the Educational agencies in the State in Part I of the report, it was suggested that a revision of the existing rates of grants-in-aid has become a matter of necessity. The position was emphasised that in order that "the other modes of benefaction which efficiency requires" may not be starved, some readjustment of the rates has to be made. Considering the extent of aid that is being given in Madras and Travancore for private schools, there cannot be any ground for dispute that Cochin has been over liberal in this respect, as we shall try to show below. A comparison with Mysore and Baroda would serve no useful purpose as a large majority of schools there are Sirkar ones. It may be seen that in Mysore the principles of grants-in-aid are practically the same as in our State since 1922.

98. In Madras and Travancore, the scale of grants to teachers has no relation to the scale of pay of those in Sirkar Schools, fixed amounts of grant being paid to teachers of particular standards based on general qualifications, according as they are trained or untrained. In the system obtaining in Madras an untrained teacher of the Secondary grade (a complete School Final) gets a fixed grant of Rs. 12 per mensem and a trained one Rs. 16 $\frac{2}{3}$. An efficiency grant of up to 50% of this assessed grant is provided for, to be paid as funds permit. The figures collected from some District Educational Councils (vide Appendix XVI) show that a small percentage of schools alone is recommended for efficiency grant, and even these schools do not get it, because the funds at the

disposal of the District Education Councils are too meagre to satisfy even the demands on account of the assessed grant. Hence even the most efficient type of schools in Madras get only the assessed grant

In Travancore also what has been recommended by the Statham Committee as grants to Elementary teachers is Rs. 8 for the untrained teacher and Rs. 12 for the trained. Of course, the general qualification demanded of such teachers is lower than in Cochin. We have calculated the results of these various rates in Cochin, Travancore and Madras. The calculations have convinced us that our rates are much in advance of the others, since for a school of 5 classes, having all the teachers trained, Madras will be paying a grant of Rs. 83—5—4, Travancore will pay a grant of Rs. 60 while in Cochin the amount will be Rs. 91—4—0 as per present rules.

99. When we take the case of private secondary schools in receipt of aid, it is noted that the practice of Government meeting the whole deficit after deducting the Manager's contribution obtains in Cochin alone, Travancore paying only $\frac{1}{2}$ or $\frac{3}{4}$ of the net deficit, according as the school is a Boys' or a Girls' school, and Madras paying only the deficit.

100. The only point that has to be considered in this connection is whether the high rates of grant in Cochin has been necessitated by any special conditions peculiar to Cochin alone. Except for one circumstance, viz., that the higher literary qualification required here for an elementary school teacher, we have not been able to discover any other peculiar feature here. Assuming for argument's sake that the prescription of a higher qualification for an Elementary teacher justifies the higher rate of grant, there is apparently no justification for having maintained a system of grants for Secondary schools which has no precedent elsewhere. Even with regard to Elementary schools one cannot forget the fact that at the time of introducing these rates in Cochin, the qualification prescribed for a teacher of that standard, was far below that now demanded. If the argument is pressed to its logical conclusion, it should yield to a position justifying the increase in the rate of grant, now that a superior qualification is insisted upon. What should be the effect of such an increase? It is a well-known fact that many Managers of aided schools, with some honourable exceptions of course, contribute nothing towards the cost of running the school, and manage it with the grant given by Government. In the course of our enquiries, stray cases even of profiteering have come to our notice. A larger income from Government in the shape of grant would only free the Managers more from the obligation of contributing towards the expenditure, and might tend to give these latter some more profit. We are sure that there will be none who will advocate that a Manager who is expected to contribute a fourth of the expenditure of the school should be allowed to make a profit. On these grounds it is clear to us therefore that the introduction of this high rate 20 years ago was not due to any consideration of literary qualification of teachers. The fundamental principle on which the system was conceived and introduced with all possible safeguards was that the aid to be received from Government was simply to supplement the income from other sources, and not that Government should meet practically the whole expenditure of the school.

101. That principle not having been changed till now, the question arises how the system has worked and with what results. We have the support of expert evidence before us when we say that the provision in the Code entailing on the Managers to spend $\frac{3}{4}$ of the gross expenditure is honoured more in its breach and has become practically a dead letter. It is therefore of imperative necessity to insist on the fulfilment of that condition hereafter at least, and to base the working of the system whereby it can be enforced. No Manager has the right of objecting to it consistent with the undertaking given by him to abide by the rules of the grants-in-aid. There is equally no justification for Government to give any consideration to such objection even if raised.

102. It is, we believe, with a view to the enforcement of this clause in the rules that the Director has suggested that it should be made a condition of grant of aid that a school should have a permanent income from endowments

equal to one-fourth of the anticipated expenditure. A similar provision is found in the Mysore grant-in-aid rules, while in Baroda the rule is 'the people of the place wishing to start a Secondary school must be prepared (a) to deposit with Government an amount equal to half the estimated expenditure of the school or the class for a period of five years at least, or (b) to give a written guarantee for the regular payment of that amount from year to year. Such a guarantee after 5 years will not be absolutely necessary from those schools that would appear to have established their stability. The matter is, however, left to the discretion of the Commissioner of Education'.

We do not think it necessary to apply this rule to the existing schools whose financial position is sound. Institutions, financially unstable, may be given sufficient time to produce a guarantee of the kind required.

The committee would recommend that this rule may be strictly enforced in the case of all Elementary and Secondary schools that may be started and aided hereafter.

103. Another peculiarity which we find obtaining in the present system is that relating to the expenditure allowed to aided schools for contingencies. The amount allowed now has no reference to the actual expenditure to be incurred in that respect, but is based on the cost of the staff. It often happens, curiously enough, that a bigger school having a larger number of untrained teachers and teachers having put in less service gets a less amount for contingent expenditure than a smaller school having a majority of teachers trained, though the former school will have to spend more on contingencies than the latter. It also happens that the aided school gets as contingent expenditure more than what is actually spent on a similar Sirkar school. We cannot see the propriety of such a distinction; nor are we hence prepared to recommend the continuance of this anomalous practice. So a reasonable scale of contingencies based on the expenditure incurred for the same purpose in respect of a similar Sirkar school has to be fixed for each grade of aided school and the expenditure on this account can be recognised subject to this maximum only. The scale of contingencies for Upper Secondary and Lower Secondary schools can, in our opinion, be fixed at a maximum of Rs. 1,200 and Rs. 240 per year respectively, based on the details given in Appendix XVII. Since we have added a fairly decent amount for P. C. R. works also, we have no doubt that these amounts would be quite ample.

104. It was represented to us that the rule of minimum strength for full grant is working as a serious hardship and that some relief is urgently needed, though the department allows $\frac{3}{4}$ grant for 25—29 pupils and $\frac{1}{2}$ grant for 20—25 pupils. We are convinced that there is force in this point, and we would recommend that the rule may be relaxed further and that proportionate grant may be given, when the number of pupils varies between 30 and 20 in the case of boys' schools and 20 and 15 in the case of girls' schools.

105. We shall now consider the question of the possible modes of reduction of expenditure under grants-in-aid.

This is possible by reducing the rate of grant and also by adopting a lower scale of pay to aided school teachers. We have explained how our system is far more liberal than that obtaining elsewhere, and how the time has come to review and revise it, in order that some funds may be made available to be given as grants towards building, furniture, equipments and the like. Even as early as 1920 when the Education Code was revised, the Code Committee had to review the position and the question of discontinuing the percentage allowed for contingencies was discussed. The managers pressed then also for its continuance and their objection prevailed. Subsequently the Department felt it could not possibly manage with the funds at its disposal to continue the high percentage for contingencies and a revision of rates was the result. Greater is the need to-day for a further revision of the rates of grants as the statement in Appendix XVIII would show. The majority of us are convinced that the scheme as detailed hereunder for Elementary and

Secondary Schools respectively has to be adopted in the interests of both the Government and the managements.

Elementary
Schools.

While the majority of us are agreed that the present rates are too high we are led to think that the rates proposed by the Director are at the same time too low, and require slight enhancement so that the managers might not be put to serious hardship. We have therefore adopted a middle course and would recommend a grant of $\frac{1}{2}$ of the pay of the staff of the school, $\frac{1}{4}$ being the contribution by the Managers, either from the endowment of the schools or from probable philanthropic subscriptions. We do not think it necessary to provide for contingencies.

Secondary
Schools.

In this respect we agree with the Director that one half or three quarters of the net deficit alone need be paid as grant to Secondary Schools according as they are boys' schools or mixed or girls' schools. To this we will also add an amount for contingencies based on the expenditure of a corresponding Sirkar Secondary School. A school should, in our opinion, be considered as 'mixed' for purposes of grant only if the number of girls in the Secondary forms is $\frac{1}{4}$ of the total strength of these forms.

Pay of aided
School
Teachers.

106. With regard to the scale of pay to be adopted for aided school teachers for purposes of grant, we have to make the following observations. Ever since 1883 Government have been maintaining the same scale of pay both for the Sirkar and Aided School teachers. But both in Travancore and Madras we may observe the practice has been otherwise. We have considered the propriety of making a departure from the existing rule of the same grade and pay for the two classes of teachers and providing a lower scale to the aided school teachers. But so far as teachers of Elementary schools are concerned, we are of the opinion that in view of the already low scales, and in view of the fact that the grant is purely based on the cost of the staff, it would be too hard to have a lower scale for them. The grant will be calculated on the Sirkar scale of pay for Elementary School teachers.

In regard to Secondary schools, however, there is great justification for adopting a different scale, for the reason that the deficit is calculated, taking into account the fee collections also, and that the teachers get more or less decent salary. In their case, we would fix the following grades for purposes of grant. Rs. 30—2—50 for Secondary trained teachers of the Lower Secondary Department, Lower Secondary Headmasters an allowance of Rs. 5, Rs. 35—24—60 and Rs. 60—3—90 for graduates, and Rs. 120—5—150 for Headmasters of High Schools. In special cases where the managements find it essential to fix a scale of pay higher than the above mentioned grades, they may do so with the special sanction of Government. There will be no change in the scale for specialists.

It will be evident from the above that Aided School teachers are to start service on the same minimum pay as their brethren in Sirkar schools and to have a time-scale.

Our proposal should apply only to new entrants while teachers now in service should continue to be on the present scale of pay and shall be entitled to promotions according to the present scales. The net deficit should be calculated on these latter scales.

F. Control and management of private schools.

107. Both in the Director's Report and in the terms of reference, the question that has been raised is only about the management and supervision of one class of private schools, namely those in receipt of aid from Government. In the course of our enquiry we had occasion to note that there are many private schools, especially among the Secondary ones, which do not receive any grant. Thus out of the 34 Lower Secondary Schools for boys, 28 are unaided, and there are two High Schools not in the aided list, one of which is a boys' school and the other a girls' school. Representations have also been made to us that equity requires that Government should maintain a sort of difference in regard to the

nature and manner of control between aided and unaided schools, and that the latter should be given some additional privileges and powers. It is therefore necessary to include this category of schools also within the scope of this section.

108. The chief points urged before us on behalf of private managements conducting Secondary schools without aid are that the managers should be given a free hand in the matter of appointing and dispensing with the services of the teachers employed in their schools, that they should be compensated for the fee concession given by them to the Backward and Depressed classes pupils admitted into their schools, or, in the alternative, freedom to refuse admission to such pupils, that they should be given discretion to allow free education to as many pupils as they desire, and that no manner of Government control should be exercised over the financial side of their schools. With reference to these demands, we wish to remark only that it would hardly be in consonance with the principles of recognition to accede to any of them. So long as the institutions managed by a private individual or body continue to be recognised by Government, it is the duty of Government to see that the institutions keep up to the ideals, and impart education in as efficient a manner as is expected of one of that standard. Government could discharge this function satisfactorily both to the public and to themselves only if a system of close supervision and control is instituted and insisted upon. As we are convinced that the several demands put forward would not stand the test of scrutiny, and would cut at the root of an efficient means of supervision, we are emphatically of opinion that none of them could be allowed. Relaxation in the matter of collection of fees, which is often resorted to as an inducement to parents to send their children to such schools, in preference to Government or other aided schools in the neighbourhood, and paying teachers on an arbitrary scale of pay that is regulated by fee collections and other tactics which must probably be adopted by this class of schools are not certainly conducive to efficiency and discipline. Further the need for a strict system of control is imperative, since it is the duty of Government to see that the managers of such schools levy the standard rates of fees and properly account for them.

109. Even in regard to aided schools, complaint is very often heard about the non-payment or irregular payment to the staff, the very bad treatment accorded to teachers by the managements, the sudden termination of their services either on the slightest provocation or without any provocation whatsoever and the like; and references have been made in the Director's Report to this aspect of aided management.

110. It would be of interest to refer here to the observations which some of the Associations have made to us concerning this topic. The Cochin Teachers' Association say "Generally speaking the majority of Aided Primary Schools of rural areas are less efficient than Sirkar Schools. The following are some of the reasons. (1) Absence of efficient management, (2) absence of full and regular payment of teachers, (3) the under-paid and discontented teachers anxious about the security of their tenure. This fear in spite of the departmental protection is still there. The tone of these schools can be improved by (1) the process of concentration and amalgamation, (2) the effective check (one visit each term and one inspection a year), (3) provision for full and regular payment, (4) absolute certainty of security of tenure for good conduct. Unless these conditions are assured, these schools will continue to be social microbes, draining to waste the resources of the Department." The opinion of the Aided Primary Teachers' Association is also much to the same effect, and, while they are definitely opposed to the conferment of additional powers on managements, they press that a certain system of direct payment to teachers from the Sirkar Treasuries may be devised. For all these reasons we are agreed that a sort of effective control and supervision over the management of aided schools is also absolutely necessary.

111. In the course of our work it has been represented to us that very great difficulty is experienced both by the Department and the teachers on account of the illiteracy of the manager. Rules 8 and 79 of the Education Code

provide for the delegation of authority to an individual by the management. In our opinion it is essential that the department should be satisfied that the managers or the correspondents to whom the authority may be delegated under Article 79 should be sufficiently educated to be able to understand and interpret departmental orders and carry on correspondence without any help whatsoever with the department. Rules 8 and 79 should be suitably amended.

Allegations against aided school teachers by managers.

112. While on this point we should not omit to refer to the representations made by the Aided School Managers' Association that the aided school teachers have of late developed a tendency to become insubordinate and irresponsible, and that a printed circular has been sent by the Secretary of the Aided School Primary Teachers' Association asking teachers if they are prepared to put up temporary sheds to conduct schools in case such schools are taken over by Government and thus practically inciting teachers to rebel against managements. We have had occasion to peruse the circular and ask the Secretary in the course of his evidence on the point. We feel that no such attempt on the part of the teachers should be countenanced. At the same time, Government should see that better treatment, regular payment and security of tenure are ensured to them at the hands of the management.

'Vexatious interference' of department over private managements.

113. We are aware also that there is a serious charge levelled against Government by persons of one school of thought about the 'Vexatious and unnecessary interference' over managers of private schools. The following extract from the letter of the President, Aided School Managers' Association, is to the point.

"Certain actions by the Educational Department such as assumption of powers other than what are specifically stated in the Educational Code in relation to the Aided Management have been brought to my notice by some of the members of the Association. Issuing of an order by the D. P. I. appointing a teacher to the staff of an aided school, issue of circulars denying the right of even suspending a teacher by a Manager without the previous sanction of the D. P. I. and also the right of an appeal to the Diwan on the decision of the D. P. I. in the matter of appointment, etc., may be quoted as instances on the point.

The powers that are allowed by the Code rules to the aided management in relation to the Department should in no way be interfered with. The managers should have the power of taking disciplinary measures against the teachers such as suspending or fining them without the sanction of the Department. Managers should have the power of appointing teachers in their schools subject to the sanction of the D. P. I. Unless and until the Code rules are changed Departmental circulars in contravention of such rules should be ruled out as invalid."

It has also come to our notice during the course of the evidence of the manager of an aided High School that the department is not treating the managers properly, and that in their opinion much of unnecessary correspondence often results in misunderstandings and annoyance. While we are not prepared to blame one side or the other for the alleged misunderstandings without having an opportunity to look into the merits of each individual case, we would like to state that an atmosphere of good will and mutual trust between the department and the managers, if made possible, would ease the situation considerably and avoid further complaints of any sort.

Codification of relation between Government, managers, and teachers

114. To create such an atmosphere, it appears clear to us that it is essential to codify (1) the relation between the managers on the one hand and the teachers on the other, and (2) the relation between the department on the one side and the managers on the other. If once the powers of the managers in regard to their respective schools and staff are definitely fixed, we feel positive that occasions for the so-called unnecessary interference would be minimised. As it is, the Education Code is vague and indefinite regarding the exact powers and functions of the school managers. It is this indefiniteness which in a large majority of cases paves the way for complaints and correspondence.

115. Two fundamental points have to be remembered when considering the question. They are that the managers of schools are the employers, and that the teachers in those schools are the employees. The employers should therefore have as much right of control over employees as would ensure proper discipline and efficiency, and in all matters in which managers act in the interests of efficiency and discipline, they should have that amount of freedom and

discretion as would enable them to act quickly and efficiently, the department retaining only the power of seeing that the managers do not abuse the freedom given, and that they exercise the discretion vested in them properly.

In recommending freedom of action to managers to make the teachers feel that they are the employees of the former, we cannot lose sight of the fact that the teachers in their turn should also be ensured at the same time of certain definite rights and privileges to infuse into them a spirit of reliance and security as regards their tenure of office in the school. Providing a reasonable security of tenure and offering them ordinary privileges, such as the right of leave, provident fund, etc. as is enjoyed by their brethren in Sirkar schools, would, we feel sure, be a positive deterrant to their becoming insubordinate, or disobedient. There would then be far fewer chances for the managers to abuse their freedom, and for the department to interfere.

It is on the basis of these general principles that we make the following recommendations.

1. Managers of private schools should have the power of appointing teachers in their schools, from among the list of qualified and approved candidates furnished by the department, the choice of the particular candidates for particular posts being left entirely in their hands, subject of course, to the rules of Government governing promotions.

Note. In Convent Girls' Schools, preference may however be given in making appointments to qualified Nuns of the Convent.

2. Teachers employed in private schools shall be given the grade of pay fixed for each grade of aided school teachers, and shall have all the privileges in respect of leave as provided for in the Cochin Service Regulations.

3 (a). Managers shall have power to suspend or fine teachers for specific and sufficient reasons, but not the power of dispensing with their services or dismissing them except with the previous sanction of the Director.

(b) Managers may however dispense with the services of teachers on probation or those appointed in purely temporary vacancies in case of unsatisfactory work or conduct.

4 (a). Against an order of suspension of a teacher by the Manager, and of fine beyond Re. 1 the teacher shall have a right of appeal to the Director which shall be preferred within 30 days after the serving of the order of punishment. The decision of the Director in consultation with the Board on such appeal shall be final, provided that if the Director's decision is against the majority view of the Board before whom all such disputes shall be placed, the matter shall be referred to Government.

(b) A teacher who may be dismissed or whose services may be dispensed with, with the sanction of the D. P. I., shall have a right of appeal to the Diwan, within 30 days of the receipt of the order appealed against.

5. A system of contributory provident fund shall be instituted in all aided schools, so that a teacher leaving a school after a period of service may have the benefit of an accumulated earning. In cases where the managers are unable on financial grounds to make any contribution, they may be exempted from so doing, the teachers' contribution being made compulsory.

6. Soon after the appointment of a teacher into a private school, the manager thereof shall submit a report to the department specifying the name, qualification, age, grade of pay, and conditions of appointment. It shall be the duty of the department so far as those appointments are concerned only to see that the person appointed is from the approved list of qualified hands furnished to the management, and that the scale of pay agreed upon is the same as that fixed by Government for private school teachers of that grade; and only in a case in which any of these requirements is not satisfied would the department be justified in interfering.

7. Managers shall maintain service books for each teacher in which entries shall regularly be made and verified by the Inspecting Officer.

These general principles, coupled with the conditions of grant we have enumerated in the chapter regarding grants-in-aid will, we are sure, put the management of private schools on a sound basis, satisfactory alike to the managers, teachers and Government, and will minimise all opportunities for conflict of interest. The Education Code will have to be suitably amended to incorporate these provisions.

G. The Inspectorate.

116. While unable to agree with the suggestions of the Director of Public Instruction in paragraphs 99 to 101 of his Report to create a new grade of Deputy Inspectors on a pay of Rs. 60—85, to abolish one of the posts of the Divisional Inspectors, and to re-arrange and distribute the work of the several Inspecting Officers on the lines suggested therein, we wish to offer for the consideration of Government our own proposals in the matter. Though the calculations made as regards the comparative cost on account of the present arrangement on the one hand and that proposed by the Director on the other have convinced us that under the latter arrangement Government would stand to save about Rs. 1,000 a year, we are afraid that it might impair the efficiency of the system of inspection. It is bad economy to suggest retrenchments in the Inspecting staff and unsound in principle to lower the status and responsibility of those engaged in inspection work.

Work of
the present
Division Ins-
pecting Offi-
cers.

117. It has been very strongly and reasonably represented to us that the present work of the Divisional Inspectors and the Inspectress, comprising, as it does, visits and inspection of the Secondary schools, the passing of grant bills of the Primary schools under their respective jurisdiction, the supervision of the work of their deputies under them, the enquiry into the numerous petitions received by them and those forwarded to them by the Director, and their regular office work, is too much for them to cope with. We are also told that a good portion of their time is taken up by these enquiries and by the routine office work. It is therefore no wonder that loud complaints are often heard about the inefficiency of supervision or the delay in the passing of grant bills. Any attempt at reorganising the Inspectorate should therefore aim at reducing the amount of the work of the Inspecting Officers and raising their status to ensure more effective supervision and control over all classes of schools. This could be achieved by retaining the present complement of the two Divisional Officers and the Inspectress, by increasing the number of Deputy Inspectors and by putting all of them on a better scale of pay.

Proposed
distribution
of work.

118. The Inspectors will be in charge of the inspection work of the Boys' Secondary schools as also of the supervision and control over the work of their deputies, and will pass grant bills of all aided Elementary Schools in their respective jurisdictions. Thus they will be relieved of their duty of visiting and inspecting the Lower Secondary Schools which will be delegated to the Deputy Inspectors. The Inspectress will be in charge of the inspection work of the Girls' High Schools and Girls' Lower Secondary Schools and will pass the grant bills of all the aided Girls' Elementary schools and supervise the work of her deputies.

Work of the
Deputy Ins-
pecting Offi-
cers.

119. A regrouping of the Primary and Boys' Lower Secondary schools among the total number of Deputy Inspectors would then be necessary. Appendix XIX gives the total number of schools in the State in 1108 and the number will certainly be less when the concentration proposals recommended elsewhere in this report are effected. According to the statement there are 517 Primary schools including Night schools, and 35 Lower Secondary schools for Boys, making up a total of 552. For one Deputy Inspector to make 2 visits and 1 inspection of a school in a year we are of the opinion that efficiency requires that each should not have more than about 70 to 80 schools in his jurisdiction, Lower Secondary Schools included. Besides, these officers will have to visit and inspect the village libraries in their jurisdiction, which will, in most cases form part of the schools themselves. On this basis, the number of

Deputy Inspecting Officers should be increased by two. There will thus be 7 Deputy Inspectors, 5 working under the two Inspectors together and two under the Inspectress. We have already remarked that in the matter of inspection and visit in the Primary schools, there need be no differentiation between schools for boys and girls. A Deputy Inspectress as such is not therefore necessary, and the Deputies working under the Inspectress need not necessarily always be women. They will have as many Primary schools under them as others but they will take orders from the Inspectress.

120. The above suggestion to do away with the differentiation in the inspection of Primary schools and consequently to abolish the post of the Deputy Inspectress as such is not certainly intended to serve as a probable disqualification for ladies to be appointed as deputies. It would be extremely desirable to have as many ladies among the Deputy Inspecting Officers as possible, since the work of these officers consists of inspecting Primary schools which will hereafter be staffed more by women teachers. Though in the interests of the several teachers of the other sex already in service, whose chances for promotion are limited, we are not prepared to recommend that preference should be given to ladies in the matter of appointment as Deputy Inspecting Officers, we would suggest that at least two posts out of the seven be reserved for qualified and competent ladies.

Reservation of two posts of Deputy Inspecting Officers for women.

One of the Deputy Inspectors may with advantage be also a qualified Muslim in accordance with the recommendation made in the section on Muslim Education.

Reservation of one post for Muslims.

121. In addition to the re-arrangement proposed, it is highly necessary that the pay of these officers should somewhat be enhanced and their prospects improved so that they may be above want and be in a position to keep up their status in consonance with the extent of the responsibilities devolving on them.

Revision of Pay.

122. The grade of the present Inspectors and the Inspectress is Rs. 200—10—300—20—400, the maximum being reached in 15 years. It is ordinarily the seniormost among the Headmasters or the Head-mistresses that are appointed to these posts. Under the present circumstances, a person in the teaching profession rises up to the Headmaster's grade only in the fag end of his service. The promotion of such a Headmaster to the Inspector's grade which begins with the maximum pay of his previous appointment cannot be of any material advantage to him, inasmuch as in the first place he will not have any immediate benefit and secondly cannot be expected to rise much in that grade, entitling him to the prospects offered by the high maximum of Rs. 400. An increase in the minimum pay of the Inspectors, and the provision of a higher rate of increments are therefore necessary. There is no objection in reducing the maximum.

Proposed grade for Inspectors and Inspectress.

We are no doubt aware of the fact that the senior subordinate officers in the Medical and Engineering Departments are also on a scale of Rs. 200—400. But it would be a mistake to class the Inspectors of Schools who get this post after a very long period of service, along with others referred to above whose promotion to these posts often takes place early in their career. This should not therefore be an impediment in the way of Government ordering a more decent scale for the Inspectors of Schools. All things considered, we would recommend to Government that the grade of Inspectors and consequently of the Inspectress also, be fixed at Rs. 250—20—350. The maximum proposed will apply only to future appointments. This will not affect the relative seniority of the officers in the present grade of Rs. 200—400.

123. The grade of the Deputy Inspectors also stands in immediate need of revision. The present pay of Rs. 90—4—110 is admitted on all hands to be too low, considering the position and status they are expected to keep up in their executive work, demanding constant contact and dealings with all kinds of school managers. Consistent with our recommendation to raise the pay of the Secondary school teachers to Rs. 80—4—120, we would fix the grade of the Deputy Inspectors at Rs. 125—5—150.

Proposed grade for Deputy Inspectors.

124. These recommendations unquestionably involve an increase in the average cost to Government. We venture to think however that considerations of cost should not hamper progress and the efficiency of administration, and we hope therefore that Government would not be influenced in this matter by financial considerations alone.

Inspection
Code.

125. We would close the subject regarding the Inspectorate with the observation that the absence of an Inspection Code clearly defining the powers and duties of the Inspecting officers and their relations with the department is a serious defect.

A code on the lines of the draft appended to the Director's Survey Report is highly necessary. This draft requires careful scrutiny, and certain material alterations to suit the scheme of distribution of work explained in our report.

H. Miscellaneous.

(a) Female education.

126. The only two points raised in the Director's Report on the subject of female education are about the raising of the fee of girls and co-education. About co-education, we have already sufficiently indicated our views in the portion of the report relating to provision of schools. Though on principle and as a matter of policy, we are not recommending co education in the Secondary classes, we are in agreement with the Director in thinking that where there is no justification to maintain separate secondary schools for girls, provision may be made for the admission and teaching of girls in the boys' schools of the locality, special facilities as those recommended by us being provided.

127. Regarding the question of fee concession of girls, the statistics and figures recorded in paragraph 130 of the Survey Report should naturally lead to the impression that female education in the State has progressed to a very appreciable extent. The question whether the time has not come for the curtailment or the complete withdrawal of the concession now given by way of half fee for girls should therefore be considered pertinent, and deserves to be tackled.

The results of the detailed enquiries made by us in regard to this have convinced us that the Director has rightly gauged public opinion on the point, when he observes that the withdrawal or curtailment is likely to affect both the strength of girls at school and the fee income to the State, not to speak of the harm that will be done to the cause of female education. It is therefore necessary to continue the concession for some more years till the percentage of literacy among the female population approaches that among males. Yet we do think that it is not going to do any positive injury either to female education or to the State as a whole, if Government raise the fee of girls in the college classes at least to $\frac{2}{3}$ of the regular fees of boys, since it is ordinarily those parents alone who can afford that send their daughters for collegiate education. Most of the witnesses examined agree with us in this view.

128. When we speak about female education, we may usefully refer to our recommendations *supra* regarding the opening of Home Preparation courses in the Upper Secondary forms of the Girls' High schools as an alternative to the School Final which leads to the University classes. It is our conviction that middle class girls undergoing this course would naturally help Government in starting education centres for adult women in their own villages.

(b) Adult education.

129. The attempt made by the State hitherto to provide for adult education by the starting of night schools has been rather a failure. The reason is not far to seek. The working classes do find it a burden to attend night schools after a day's work. The middle classes in the present system of our social life and culture, do look with extreme disfavour upon the idea of allowing their grown-up girls especially to stay away from houses during night time, while the well-to-do do not require this arrangement at all. There is nothing strange therefore in night schools not having been popular in our State. The earlier the rest of these night schools are abolished, the better.

130. Put much can be gained in the direction of adult education by means of the village libraries we have recommended elsewhere in the Report.

To supplement the work of these rural libraries, something very useful can be done by the Departments of Agriculture and Public Health, if they would organise a 'Visual Instruction Branch' arranging for Magic Lantern Lectures, Cinema shows, etc., on subjects of rural and general interest. Government would be well advised therefore if they would so instruct these departments and provide them with some additional funds, if necessary, to make a beginning in this direction.

(c) *Education of the Backward classes.*

131. Having carefully studied the general principles and the extent to which educational concessions are now given by the State to the children of Backward and Depressed classes, and having had the advantage of receiving some expert opinion on the point, we are convinced that for the complete attainment of the objects underlying the system of concessions, these should continue for some years more. Our suggestions regarding the concessions themselves, and the mode of granting them would be confined to the following aspects, *viz.*, (1) the question of limiting half-fee concessions to two years in one class for the backward class pupils, (2) the abolition of the system of scholarships in the college classes, substituting therefor free education to the poor and deserving pupils of these communities, (3) the provision of some special scholarships for professional courses, *e. g.*, the Engineering, the Medical, etc., for pupils of the Backward and Depressed communities, and (4) the prescription of a form of poverty certificate.

132. We are told that the present practice is to discontinue the grant of half-fee concession after the 2nd year of the pupil's course in the same class, and to restore it only when he gets into the next higher class. Representations have been made to us that it is obviously unnecessary to allow this practice to continue, as it is only the bright and the industrious that deserve the concession. But we are unable to agree to this, because failure might be due not to intellectual weakness or to want of industry alone, but to various other causes beyond a pupil's control. The existing practice may therefore continue.

133. The scholarships now awarded to the poor and deserving pupils of the Backward classes in the College Department are one Senior University scholarship tenable for two years in the B. A. or 3 years for the B. A. (Hons.) as the case may be, and six Junior University scholarships tenable for 2 years in the Intermediates. We consider these scholarships to be insufficient to promote the cause of higher collegiate education among these communities. The interests of such communities would be better served if, for the system of scholarships for collegiate education for a limited number of students, provision for free education of the pupils of the Backward communities who get admission into the college classes and who are certified to be poor and deserving, be substituted. It will, no doubt, mean some extra expenditure to Government, but its introduction will, we hope, be a reform in the right direction and be appreciated better.

Free Collegiate Education to the poor and the deserving.

134. The third suggestion that some scholarships to the Backward and Depressed classes pupils for the professional courses outside the State may be provided needs no explanation. Any encouragement given in this line would pave the way for more and more people of these communities getting qualified in these professions.

Scholarships for professional courses.

135. On the question of the prescription of a form of poverty certificate, we have no misgivings about its need and utility. As it is, the Code provides that the poverty certificate is essential for a boy belonging to the Backward classes to claim and to be eligible for the present half fee concessions. Whereas in the case of Muslims alone, Government have ordered that a certificate from respectable persons of the locality would suffice, pupils of all other communities have to get these certificates from the village officers. To our mind it seems that uniformity in procedure is essential and the best means of making it uniform is by insisting on a certificate from the Revenue authorities, who alone can be considered competent to offer an opinion about the financial position of the parties.

Form of Poverty Certificate.

Of course, we have been apprised of the difficulties experienced by parties who are obliged to get a proper poverty certificate from the village officer. Any such difficulties can be got over, provided a uniform procedure is

prescribed whereby the obligation of parties to approach directly the village officers and seek for a certificate is removed. A form of poverty certificate has first to be prescribed. The draft of such a form containing all necessary particulars is appended to our report. (Appendix XX). Our idea is that such a form should be filled up by the parent or the guardian of the pupil seeking the concession and handed over to the Head of the school in which the pupil receives instruction to be forwarded to the Tahsildar of the Taluk concerned. The Tahsildar on receipt of it will get local enquiries made, and return it to the Headmaster with his counter-signature and remarks. The grant of concession should depend upon the nature of such certificates. By adopting this, nobody will have any reasonable room for complaint; there would be some system and uniformity in the procedure.

136. It only remains for us now to consider the suggestions of a general character involving policies raised in paragraph 154 of the Director's Report. We agree with all the points mentioned therein, except these relating to the differentiation in the rate of concessions in the State and Cranganur, and the administering of the concessions by the Up-lift Department.

137. We are not in a position to see eye to eye with the Director in his suggestion to curtail the concessions granted in Cranganur. We are of opinion that no differentiation should be made in granting concession to Backward classes in the State and in Cranganur.

138. Regarding the administering of these concessions, we are decidedly not for any change.

Stipends for poor deserving pupils of communities other than backward.

139. Before leaving the subject of concessions, we would like to point out that the sympathy of Government may as well be extended to some degree to poor and deserving students of the other communities whose only disqualification from claiming these stipends is that they belong to communities which are considered not educationally backward. But that is poor justification for refusing some measure of State help and benevolence to those poor students whose aptitude and taste for higher education is often left unrealised on account of their inability to prosecute their studies. In such cases a small stipend would be of great help. We therefore recommend that a percentage of the collections of a school by way of fees, say 5 per cent, be set apart towards stipends to be given to such students, the stipends being sanctioned by the Director on the recommendation of the Head of the school.

(d) *Muslim Education.*

140. In the interests of Muslim Education, the system of special stipends now offered by Government in the Collegiate, Secondary and Primary classes, in addition to the half fee concessions, has to be continued for some time more. Complaints have been preferred to us by those interested in the matter about the discontinuance of the monthly stipend of 8 as. to the Muslim girls studying in the Vernacular schools. As there will be only one set of Primary schools hereafter, all girls studying in such schools will receive this stipend.

Supervision of Muslim Education in the State.

141. The Director proposes in paragraph 157 of his Report to reconstitute the Muslim Education Committee, and leave it to them to provide for the religious instruction of Muslim pupils and superintend Muslim Education in the State. We have our own doubts as to how far the scheme will be a success. Serious apprehension has also been raised by some Muslim witnesses that it would be a folly to depend upon private contributions to supplement the grant offered by Government to carry out in full measure the obligations imposed upon the Committee by Government. The necessity for meeting all the expenses by Government was therefore urged by them. We are constrained to question the necessity for a Committee of this kind if the entire expenses are to be met by Government. In these circumstances it will be best to appoint, as at present, the necessary number of Koran teachers and Arabic Pandits in schools.

142. A special officer to superintend Muslim Education seems to us to be unnecessary since there are no separate Muslim schools in the State. If possible, and provided qualified hands are forthcoming, Government may appoint a Muslim as one of the Deputy Inspectors of Schools.

(e) *Namboodiri Education.*

143. We are in perfect agreement with the suggestions of the Director in paragraph 165 of his Report to give liberal concessions to Namboodiri youths taking to education.

(f) *Special Schools.*

144. Any scheme to improve Sanskrit Education in the State would be welcome, as the cultural value of it cannot be exaggerated. For a proper appreciation and understanding of the Malayalam classical literature a fair knowledge of Sanskrit is absolutely necessary. To enrich the Malayalam language by writing books on modern scientific subjects one has to rely on the help of Sanskrit for coining suitable terms. Indian Medical Science and Astronomy which are of daily practical use to the masses have to be mastered through the medium of Sanskrit. For these reasons it is highly desirable that a small percentage of people is given sound instruction in Sanskrit. To achieve this object, each Taluk may be provided with a fully developed Sanskrit school. The scant attention that is being paid in this direction, as alleged by the Director of Public Instruction, if true, has to be remedied forthwith and Government should encourage the starting of more schools in all the taluks.

Sanskrit
schools.

145. It has been pointed out to us that it would be a very salutary principle to have at least one teacher in each Elementary School who has had a successful course of tuition and training in a Sanskrit school or the Sanskrit College. We appreciate the value of this suggestion, and would wish that it might be possible to put it into effect. A pass in the Kavya examination for which the Sanskrit schools prepare students is considered sufficient qualification for persons to teach Sanskrit or Malayalam, since their general proficiency in Malayalam Composition is tested in the final examination. Some knowledge of English may be made compulsory at least for those who seek employment in Elementary schools.

146. The existing curricula of studies accepted by Government should be strictly adhered to in all schools and periodical inspection should be insisted upon and the results carefully watched.

147. We are of opinion that facilities should be given in the Government section of the Trippunittura Sanskrit College for higher studies in all subjects as in the Endowment section. The affiliation of this institution to the University of Madras for Siromani course would, in our opinion, be a step that would enhance its prestige and usefulness.

Affiliation of
Sanskrit
College to
Madras
University.

148. The majority of us are of opinion that public funds should not be utilised for the maintenance of Sanskrit schools including Veda Patasalas which are not open to all classes.

149. In the absence of details as to the specific type of Music and Painting schools which the Director has in mind, the objects proposed to be achieved thereby, and the cost involved, we are not in a position to discuss the question at any great length. A special Music school in the State may be of great interest and use, and may be popular also; but we do not think that the State will be justified in maintaining one, simply to improve the quality of the Music teachers in our schools. Our idea is, as far as possible, to do away with the specialists in the Elementary schools by giving teachers some course of special training in the several subjects in the Training Institution. Government have already started a special section for music in the V. G. S., Trichur, and it only requires, if necessity arises, to improve that section, instead of going in for a separate institution for this purpose, involving probably immense additional cost. Government may however give grant to a music school that may be started by private agency provided the management is sound and the instruction offered is scientific and according to a prescribed syllabus.

Music and
Painting
schools.

150. Painting is a subject which can be introduced with the advantage as one of the subjects in the pre-vocational schools of the type recommended by us, and facilities for advanced study can be provided in the G. T. School, Trichur, which would become the Central Institution (vide Appendix XII of the Director's Report) with an arts and a crafts section. A separate school for painting is thus absolutely unnecessary. This does not mean that aid should not be given to a school of arts under private management.

School for
Defectives.

151. Some scheme for the education of these children would be a blessing to them and would be looked upon with pleasure and gratitude. A study of the Report on the working of the Palamcottah School established for the purpose would be of great interest, and would give an idea of the efficiency of the system and the good results achieved.

152. So far as the State is concerned, an experiment in that line may be tried in the G. T. Institution itself *for the present*. We endorse the Director's suggestion to depute some teachers for training at Palamcottah.

(g) *Religious Instruction.*

153. In spite of the very vehement demand put forward by the two communities, *viz.*, the Catholics and the Muslims, insisting on the provision in the curricula of studies for the compulsory teaching of religion to the students of their respective communities within school hours, public opinion on the point is against any such provision being made. Apart from the evidence before us, pointing out the undesirability of, and the extreme difficulties attendant on the adoption of, the course, our attention has been drawn to the discussion of the question which took place in the Legislative Council only two years ago. The resolution which was moved and discussed wanted that compulsory moral and religious teaching should be enforced in schools, as part of the curricula of studies. The voting on the resolution reveals the attitude of the public on this vital question, and when one finds that the Council by a vast majority turned down the proposal as unworkable and productive of dangerous results, one can not help asking what further evidence is required to show that the public is against it.

154. Such being the position, we have no hesitation in saying that religious instruction should not be imparted within school hours. This does not however mean that we are underrating the value of religion or of imparting religious instruction in schools. We could have correctly appreciated the forceful arguments advanced by the Cochin Catholic School Managers' Association in the memorandum submitted to us, if only Cochin, and for that matter, India, had been, like the various other countries with reference to which some valuable quotations have been given in the memorandum, composed of people following the same religion. It would certainly have been easy and practicable to institute a system of religious instruction in schools, had all the students in Cochin schools been of one religion. Sadly the situation is otherwise, rendering the application of the sound principles enunciated in these quotations extremely difficult, if not altogether impossible. We agree with the Director of Public Instruction that the result of making religious instruction compulsory in schools would be the deepening of the communal differences and social cleavages, and hence we do not recommend that step.

155. But we are definitely made to understand that both the Catholic and the Muslim communities consider religion as an indispensable item of instruction in schools and that they are not prepared to accept a system of education which is not accompanied by religious instruction. To meet their demands, without at the time giving room for conflict of interests between one community and another in this respect, the best policy to be adopted will be to arrange for the teaching of religion in schools outside the normal school hours. The present practice, we are told, is exactly the same, and there is no reason to make a departure from it. At the same time a reiteration of this policy seems to be necessary, since, in the course of our visits, we found catechism being taught within school hours at least in one of the schools near Elankunnappuzha.

(h) *Medical Inspection.*

156. To the question whether the present system of Medical Inspection is satisfactory, no witness has given us a favourable reply. Among the chief defects in the present arrangements may be mentioned the absence of facilities for the proper treatment of the children examined, the absence of a system of enforcing or inducing parents or guardians in rural parts to act up to the suggestions offered by the Medical Inspectors with reference to the state of health of their boys, and also the non-inspection of children in Primary classes. On the evidence of the present Medical Inspectors themselves, we are in a position to assert that the scheme, as at present worked, cannot be considered a success for the above reasons, and the draw-backs consequent upon them.

157. The existing arrangement is that two Medical Inspectors are to examine the boys in class I, and Forms I and IV of all the Secondary schools and in the Junior Intermediate and Junior B. A. classes of Colleges, and the Medical Inspectress to examine all the girls in the corresponding classes. The Inspecting Officer is to give to each boy or girl examined a card showing the nature of the disease, if any, he or she is suffering from. With that the officer's work ceases. The officer has no concern to verify whether his instructions have been acted up to, nor has he the time or opportunity to see to it. Such a system of inspection can never work satisfactorily, because in the first place, no Inspector will be able even to finish the examination of children in all schools once in the course of the year, and secondly because he has not the occasion to verify the results of his examination. Often, if not always, the advice that is given to pupils is disregarded and the time and labour spent by the Medical Officer practically results in waste. Even in cases where the pupils have a desire to benefit themselves by the suggestions given by the Inspecting Officer, we have it on record that a majority of these are obliged to go without proper medical aid, due either to want of facilities in rural parts for treatment or to the indifference on the part of the Medical Officers in charge of the hospitals to honour these cards and prescribe accordingly.

158. An entire overhauling of the system is therefore absolutely necessary, if Government are anxious to see that the benefits of the scheme of medical inspection are realised. We are emphatically of opinion that increasing the number of these Medical Inspectors alone would not meet the situation. In this connection the following suggestions of the Chief Medical Officer will be read with interest.

“Medical Inspection of school children should be carried on amongst the Elementary and Primary schools and the Lower Secondary classes in the High School Departments. I consider that if this aspect is properly insisted upon, and medical inspection of pupils carefully conducted following up the defective ones with efficient treatment at the hands of the Medical Officers from the nearest Medical Institutions with the co-operation and co-ordination of Medical Inspectors, School Masters, parents of children, and Medical Officers in charge of the institutions, the problem will be solved. For this purpose it is necessary to divide the State into different circles according to the number of schools and children in them. The Medical Inspector should not have a wide area whereby he has to waste a good deal of his time in travelling but must be fairly near at hand in order that he may visit the several schools entrusted to his care fairly frequently during the working days of the year and follow up children in order to see that they undergo treatment and also to check the results of treatment.

It is a well-known fact that the parents are not showing the same co-operation as is expected of them and this apathy on their part can only be overcome by constantly approaching them and influencing them to send their children for necessary treatment even though prolonged it be in certain cases. This constant attention on the part of the Medical Inspectors with the personal care and attention that they bestow towards individual children will break this barrier and induce parents to understand the benefits their children will derive by submitting to rational treatment. It is not possible for me to give an exact idea of the financial commitments as I am not aware of the location of these schools, their number and the strength of the pupils in them.”

159. We endorse the remarks of the Chief Medical Officer and would make the following recommendations.

1. The scheme of Medical Inspection should be extended to children in Elementary schools. No special fee should be collected from these pupils.
2. All children in the Secondary classes should be examined at least twice during their secondary course, i. e., in Forms I and IV, as at present.
3. Students in College classes should be examined in the first and third years of the College course.
4. (a) The examination of pupils in all grades should be entrusted to the Honorary Doctors working in Government Hospitals and rural dispensaries

and the Medical Practitioners in rural parts, where there are no hospitals or dispensaries; they may be called Medical Inspectors. The whole work is to be so distributed among these people as to give each doctor not more than a fixed number of schools situated near one another. Government should so adjust the work of the honorary doctors in hospitals and dispensaries as to enable them to be absent from their duties in the institutions to conduct the inspection which should proceed on a systematic programme previously prepared and approved by the Chief Medical Officer in consultation with the Director of Public Instruction.

(b) Girl pupils of the Primary standards can be examined by these Inspectors. Girls of the Secondary and College classes have to be examined by lady doctors themselves. But on account of the want of lady doctors in all institutions, and of lady private practitioners, the only way of getting it done will be by authorising the existing lady doctors in service to do the work. The General Hospital, Ernakulam, the Maternity Hospital, Mattancheri, and the Civil Hospital, Trichur, apart, the only institutions where there are lady doctors are those at Trippunittura, Kunnankulam, Cranganur, and Chittur. The number of the Secondary schools for girls, and the mixed Secondary schools will have to be distributed among the lady doctors in service for getting the work done.

5. Soon after the inspection of the pupils in the school or college is over the Medical Inspector should submit a report to the Chief Medical Officer showing the number of pupils examined, the results of the inspection and other relevant particulars in a form to be prescribed. Such reports should be consolidated and reviewed by the Chief Medical Officer and the review forwarded to the Government as at present.

6. The Medical Inspectors will each be given a remuneration equal to the special fee collections for Medical Inspection of the schools concerned. As no fee is collected from the Elementary school pupils, Government should pay these men from out of the general revenues a remuneration calculated at the rate of annas 2 per pupil examined by them.

7. Free treatment of pupils, if found necessary, should be undertaken in hospitals. The pupils examined and attended to by the private Medical Practitioners should also be attended to, on requisition by the Private Medical Practitioner concerned, in the nearest dispensary or hospital.

8. Managers of aided schools may, however, be allowed to nominate with the approval of the head of the Medical Department, duly qualified persons to conduct the inspection of pupils in their schools. Reports of such inspection should be sent to the Chief Medical Officer, as in the case of inspection conducted for pupils in Government schools.

160. It is our belief that by entrusting the examination of pupils to the doctors of the locality and by providing for free treatment in Government hospitals or dispensaries in rural parts, parents or guardians of pupils have a better chance of seeing the ailment of their children being attended to and the doctors too of being satisfied that their work bears fruit.

161. It should be evident from the above that our proposals do not contemplate the continuance of the present Medical Inspectors and the Medical Inspectress. Their existence as such would be superfluous, and we have therefore to suggest that their services may be taken over to the Medical or Health Department. Until this is done, they will continue as such.

Vocational Education.

162. So far as this subject is concerned, it has already been pointed out in the section relating to the curricula of studies that the present system of Industrial Education is rather a failure, and that one method of improving that system lies in the scheme outlined by us in that connection. A beginning may be made by the establishment of the remodelled type of the pre-vocational schools we have suggested. Students going out of these schools at the age of 15 or 16 will have the necessary equipment and manipulative skill that would be required for an advanced study of the industries that may be selected by them when they enter the Central Institution at Trichur or Ernakulam.

The new policy suggested for primary education.

163. The principles underlying the proposals of the Director in recommending the creation of the local school boards and the Central Board of Education are, as we understand them, the gradual elimination of private agencies from the field of education, the replacement of such agencies by local education authorities, and the transfer of the direct control over education from the Education Department to these local authorities. It has been argued by the Director that the absence of popular control and local colouring has turned out to be a serious defect in the present organisation of Elementary Education, and that a system of Board Schools in which the public will have a voice in shaping the general policy of Elementary Education, and determining the amount of money to be spent for the purpose will result in a considerable retrenchment in educational expenditure and savings to Government.

164. After what has been said in Part I of our report about popular control, and the replacement of aided agency, not much remains to be discussed here. We have sufficiently indicated our honest view, formed out of relevant considerations, that in a small State like Cochin where there is no great scope for the infusion of local colour into the machinery of education and where the existing organs of self-Government, such as the Municipalities and the Panchayats, have not developed sufficiently to shoulder the responsibility of financing and controlling education, the idea of establishing local boards on the lines suggested in the Director's report would be an unworkable proposition. We have also made it clear that it is not practicable now to think of eliminating private agency from the field of education. As no Municipality in the State is prepared to spend a portion of its revenue towards the maintenance and control of Schools, the entire idea underlying the suggestions of the Director has, to our great regret, to be dropped.

165. The trend of public opinion is however rather different on the question of the establishment of a Central Board of Education to advise and help the Director of Public Instruction in the administration of his department. It is pertinently pointed out by a large number that a Board of this kind having clearly defined powers and responsibilities and constituted in such a manner as to make it a representative body would be a welcome innovation in the State, calculated to improve and stabilise the tone of the department. Still there are a few persons who are against the institution of a Central Board with an educational expert as its head and its powers purely advisory.

Inasmuch as the experiment, which has now been ordered in Travancore, and which is being tried in Baroda, is however worth a trial in our State, we would recommend to Government that a Board, the constitution and powers of which will be discussed below, be established as early as possible.

166. The Board which should be a body representing all possible interests, without at the same being unwieldy, may have, in our opinion, 7 members composed as follows:—The Director of Public Instruction as Ex-Officio President, one Inspecting Officer of the Department to be nominated by Government, who shall be Secretary to the Board, one representative of the Managers' Associations, one representative of the Teachers' Associations, and one Member of the Legislative Council—to be elected by these respective organisations, and two other members to be nominated by Government from the other special interests requiring representation, such as the Muslims and the Backward and Depressed Classes.

Constitution.

A Board once constituted should work for a period of not less than 3 years. The work of the Board will be purely honorary, the members being paid only the ordinary T. A. for journeys undertaken in connection with the functions appertaining to them. Ordinarily the Board shall meet at least once a quarter.

167. In defining the powers and responsibilities to be given to the Board, our idea is not that the Board should usurp the powers of the Director of Public Instruction. As the administrative and financial responsibilities

Powers.

continue to vest in him, we do not consider that it will be advantageous to give the Board anything more than an advisory function. Though therefore the final deciding authority on matters which will be discussed by the Board will be the Director, it is hoped that he will in almost all cases be guided by the decision of the Board. The duties of the Board shall be (1) to advise the Director of Public Instruction on the following matters:—(a) The opening of new schools; (b) the raising or lowering of the standard of the existing schools; (c) the abolition of the existing ones; and (d) applications for aid; (2) to consider and decide the disputes between the Managers of private schools and the Department, or between managers and teachers of private schools; (3) to advise the Director of Public Instruction on the preliminary budget estimates of the department before submission to Government; (4) to draw up every year, based on the probable requirements of the succeeding school year, a list of persons qualified for appointment as teachers in schools in the several grades, due representation being given to all communities; (5) to draw up every year a list of candidates from different Taluks qualified to undergo training in the Government Training Institution; and (6) to consider all other matters which shall be referred to it either by Government or by the Director of Public Instruction from time to time:

In cases where the Director disagrees with the majority view, the matter shall be referred to Government for final orders.

PART III.—FINANCE.

168. In this part of the report we shall discuss the financial effect of the several recommendations made in Part II, and see to what extent the educational allotment will be affected. In discussing this issue, the individual recommendations have to be separately considered. The main heads which affect the finances either way are (i) buildings and equipment, (ii) staff, including Inspectorate, (iii) grants-in-aid, and (iv) other miscellaneous recommendations, such as the revision of elementary training courses and of vocational education, the provision of village libraries, education of the backward and depressed classes, Medical Inspection, etc.

I. Buildings and equipment.

169. We have observed that it should be the policy of Government to set apart, say about Rs. 25,000 or Rs. 30,000, every year for the re-construction of the Sirkar Primary school buildings, and a similar amount would be necessary for the Secondary school buildings also. Thus about Rs. 50,000 has to be provided annually for about 10 or 15 years for the purpose. The debit of the amount goes to the Public Works Department budget and may therefore be left out from the educational allotment.

A sum of Rs. 25,000 every year for about half a dozen years would be necessary to be given as building and equipment grants to aided schools. This provision has to be included in the grants-in-aid allotment of the education budget.

II. Staff.

170. This will embrace the following recommendations in the report viz., the extension of Elementary Education course by one year, necessitating the provision of one more teacher in every fully developed elementary school, the recommendation to manage with one teacher for two divisions of Lower Elementary classes, the proposed revision of the pay of the teachers, Headmasters and Inspecting Officers, the recommendation to increase the number of the Deputy Inspectors, the provision of the supervision allowance of Rs. 5 to Headmasters of Lower Secondary Schools, and the abolition of the night schools and denominational schools such as the 'Fishery Schools'.

(A) Elementary School Teachers.

(1) The concentration and consolidation of Elementary Schools proposed by us, if given effect to, will reduce the number of Sirkar Elementary Schools to 150, including those attached to Secondary Schools, of which not less than 40 will be Lower Elementary and the rest 110 fully developed ones. The number of teachers required for these schools, providing on the average 3 teachers in each of the Lower Elementary ones, and 7 in each of the others on the supposition that each class will contain divisions, and that classes 1, 2 and 3

in all Elementary schools can be engaged by one teacher for $2\frac{1}{2}$ hrs. each, will be 890 against 1,177 at present.

(2) If the proposal to have only $2\frac{1}{2}$ hrs. work for classes 1, 2 and 3 is found to be not feasible, and full-time teachers are to be appointed for each class, 450 hands more will be necessary. Thus there would be 1,340 teachers.

(3) It may be noted here that out of these 890 or 1,340 teachers, as the case may be, 150 teachers are on account of the proposed increase in the course of Elementary Education by one year, and that, but for this extension of the course, the number of teachers required would have been only 740 or 1,190 as the case may be. Costs on account of the several proposals will be worked out below, though for purposes of our calculation, we shall take the figures under paragraph (2) alone, so that the greatest possible extra expenditure may be exhibited especially considering that the reduction in expenditure on account of (1) will not be immediately realised because the extra teachers cannot be sent away, but have to be kept on as supernumeraries till they are absorbed as vacancies arise.

Present average for 1,177 teachers, as per figures furnished by the Comptroller of Accounts is Rs. 3,11,016.

Proposed average-

1. For 890 Teachers.

150 Headmasters Rs. 30—1—35 plus Rs. 3—allowance	Rs.	66,150
185 in Rs. 20—1—30	"	59,200
555 in Rs. 17— $\frac{1}{2}$ —20	"	1,27,872
Total	"	2,53,222
Decrease	Rs.	57,794

2. For 1,340 Teachers.

150 Headmasters in Rs. 30—1—35 plus Rs. 3—allowance	Rs.	66,150
298 in Rs. 20—1—30	"	95,360
892 in Rs. 17— $\frac{1}{2}$ —20	"	2,55,517
Total	"	3,67,027
Increase	Rs.	56,011

3. (a) For 740 Teachers.

150 Headmasters Rs. 30—1—35 plus Rs. 3—allowance	Rs.	66,150
148 in Rs. 20—1—30	"	47,360
442 in Rs. 17— $\frac{1}{2}$ —20	"	1,01,837
Total	"	2,15,347
Decrease	Rs.	95,669

(b) For 1,190 Teachers.

150 Headmasters Rs. 30—1—35 plus Rs. 3—allowance	Rs.	66,150
260 in Rs. 20—1—30	"	83,200
780 in Rs. 17— $\frac{1}{2}$ —20	"	1,79,712
Total	"	3,29,062
Increase	Rs.	18,046

N. B.—The difference in total cost between 1 and 2 is Rs. 3,67,027 minus Rs. 2,53,222 or Rs. 1,13,805.

The abolition of the Upper Secondary Departments of the Girls' High Schools mentioned by us and the Boys' High School at Chelakkara will reduce the number of teachers in the Secondary Department by about 12 excluding the post of Headmasters and Headmistresses. The number of teachers will then be 307 against 319 now. We shall provide for 310 posts, of which 75 will be in

(B) Secondary Department teachers, etc.

the grade of Rs. 80—4—120, and 235 in Rs. 35—3—80 grade. There would be only 19 posts in the grade of Rs. 150—10—200 as against 21 now. The average increase in the cost on account of this is exhibited below.

Present average for 21 Headmasters and Headmistresses, and 319 teachers is Rs. 2,73,945.

Average on account of 19 posts in Rs. 150—10—200 grade, 75 posts in Rs. 80—4—120 grade, and 235 in Rs. 35—3—80 is Rs. 42,750 plus Rs. 96,000 plus Rs. 1,72,725 or Rs. 3,11,475.

Allowance to 12 Headmasters of Lower Secondary Schools at Rs. 5 per mensem Rs. 720.

Total average cost will be	Rs.	3,12,195.
Increase in average	Rs.	38,250.

(C) Special-
ists.

Under specialists, the main changes we have proposed are (a) the re-classification of the Pandits and the Drawing Masters in the Secondary Department and (b) the revision of the pay of the Pandit, the Music Teacher, the Needle-work Teacher, and the Drawing Teacher in the Training Institution. The reduction in the number of specialists on account of the abolition of some of the schools will also have to be taken into account. But we have omitted this from our calculation, because it has not been possible for us to ascertain exactly the number of posts that can be reduced.

The effect of the recommendation is shown below:—

SECONDARY DEPARTMENT.

<i>Present.</i>	<i>Average.</i>	<i>Proposed.</i>	<i>Average.</i>
Sanskrit Pandit.	Rs.		Rs.
22 in 25—2½—50	10,976	22 in 30—2—50	11,440
8 20—1—30	2,560	8 20—1—30	2,560
Malayalam Pandit.			
23 in 25—2½—50	11,476	23 30—3—50	11,960
Arabic Pandit.			
2 in 25—2½—50	1,000	2 30—2—50	1,040
Tamil Pandit.			
2 in 25—2½—50	1,000	2 30—2—50	1,040
1 20—1—30	320		
1 20—1—25	285	2 20—1—30	640
Drawing Masters.			
4 in 35—2½—50	2,160	4 30—2—50	2,080
26 20—1½—35.	9,360	26 20—1—30	8,320
	Training Institution.		
Malayalam Pandit.			
in 25—2½—50	500	30—2—50	520
Needle-work Teacher.			
20—1½—35	360	30—2—50	520
Music Teacher.			
35—1½—50	540	30—2—50	520
Drawing Master.			
in 35—50	540	30—2—50	520
	Total		41,160
	41,077	..	41,160
Increase Rs. 83—0—0.			

(D) Inspec-
torate.

Our recommendations so far as the Inspectorate is concerned include the increase in the number of Deputies by two, the revision of the pay of the Inspectors to Rs. 250—20—350, and of the Deputies to Rs. 125—5—150. These proposals result in an increase in the average cost by Rs. 6,675, as will be seen from the statement below.—

Present average	Rs.	17,100
Average as per our proposals	..	11,700 plus
	..	12,075
or Rs. 23,775, increase being Rs. 6,675		

The effect of the proposals under A. B. C. and D., *i. e.*, the proposals regarding 'staff' will thus be an increase in the annual average cost by Rs. 1,01,019, if the recommendations regarding the limiting of work in the Lower Elementary Classes to 2½ hours is not adopted, but would mean a

reduction in the average cost by about Rs. 13,000, if the duration of work in the Lower Elementary Classes is limited to 2½ hours.

The abolition of the rest of the Night Schools and the Fishery Schools would effect a savings to the extent of about Rs. 4,500. The net increase which we will take into our calculation is thus Rs. 95,519 or Rs. 96,000.

171. In working out the results of the system of grants we have recommended, and in finding out its effect on the financial side, so far as Government are concerned, the two sets of schools, *viz.*, Elementary and Secondary, have to be differently treated. Again so far as Elementary Schools are concerned, it is necessary to clearly distinguish between the present type of Elementary Schools having 4 classes, and the proposed one having 5 classes. The calculations in Appendix XVIII have been made on these principles. The figures in the statement speak for themselves, and sufficiently indicate what little difference it makes between the present grant and the grant that a school will ordinarily get under our proposals, and also what great difference it will make if the revised rate of grant is not adopted. Taking the number of fully developed Elementary Schools in the aided list, as a result of the concentration proposals, at about 400, and the Lower Elementary ones at about 50, the total grant that will be payable will come to about Rs. 4,60,430, calculated on the supposition that each class in all schools will contain only one division each. But we have found that the classes in a majority of the aided Elementary Schools contain two divisions and more and also as we have reason to presume that the concentration proposals will tend to increase the number of divisions in each class, it will not be correct to estimate the amount of grant at the figure given above.

III. Grants-in-aid.

The monthly grant that will be payable to a fully developed Elementary School of 7 teachers of whom 2 are trained and the rest untrained will be Rs. 120—5—0 and that for a Lower Elementary one of 3 teachers of whom one alone is trained will be Rs. 48—12—6. The annual grant to 400 fully developed schools and 50 Lower Elementary ones will come to Rs. 6,06,770. This is based evidently on the supposition that the Lower Elementary classes will work only for 2½ hrs. a day and that one teacher will engage two divisions.

The figure will certainly go up very much higher, approximately to Rs. 7,05,600 if all classes in Lower Elementary Schools are engaged by separate teachers.

For purposes of our calculation we shall take the figure of Rs. 6,06,770. The amount of grant paid at present for Elementary Education is approximately Rs. 4,36,000 (actuals of 1907.) Our proposals will thus involve additional expenditure to the extent of about Rs. 1,68,000 which is about 38 per cent of the present expenditure.

172. For the provision of the Village Libraries a small allotment of not more than Rs. 1,500 every year for about 5 years may be necessary to give each Panchayat one library of its own.

IV. Miscellaneous points.
(i) Village libraries.

The probable increase on account of the substitution of free education to students of the backward classes in the College Department, in place of half-free scholarships will not go beyond approximately Rs. 3,000 per year, assuming that there will be 30 such students in the Intermediate and 20 in the B. A. Classes.

(ii) Free Education to backward students.

A sum of Rs. 720 will have to be provided every year towards scholarships to be awarded to two students of the backward and depressed classes for study in the Professional Colleges.

(iii) Scholarships.

The proposal to set apart 5 per cent of the fee income in every school towards the grant of scholarships to deserving students of the other communities may, in addition to the number of half free scholarships now provided for in the Code, involve an additional expenditure of Rs. 5,000 annually.

(iv) Poor students of other communities.

The other items to be taken into account are the following.

(v) Nambudiri education. A small sum of Rs. 500 may be set apart every year towards stipends, etc., to Nambudiri youths. *

(vi) Sanskrit schools. Government have to provide every year towards the establishment of such schools and grants to private ones an additional allotment of about Rs. 1,000.

(vii) School for Defectives. As the school is recommended to be opened on a small scale as an experimental measure and as a section of the Training Institution, the only expenditure on account of it will perhaps be the pay of the hands to be entertained. The cost of getting 2 to 3 teachers trained may also have to be initially incurred. Both together may not exceed Rs. 1,200, Rs. 240 being the cost of training (initial expenditure) and Rs. 960 pay of the staff (recurring expenditure.)

(viii) Vocational education. It cannot be definitely ascertained what the establishment of the pre-vocational schools suggested by us would cost. But one thing is clear, that the expenses would not go much beyond what Government are now spending on their Industrial schools. As the latter class of schools will disappear with the opening of the former, we do not think that there would be any great increase in cost.

(ix) Medical Inspection. The abolition of the posts of the Medical Inspectors would effect a savings to the extent of Rs. 7,200 a year. Against this there will be the additional charge on Government revenues to the extent of a sum equivalent to a fee of as. 2 per pupil in the Elementary Schools to be paid to the persons conducting the inspections. Taking the total number of pupils in Elementary Schools in the first class at about 50,000, a sum of Rs. 6,250 will have to be provided for the Medical Inspection of such pupils. There will even then be a clear savings of about Rs. 1,000.

(x) Female Education. The raising of the fee of girls in the college department to $\frac{1}{4}$ of the fee of boys may probably give an additional income to the extent of Rs. 1,750, safely assuming that there will be 50 girls in the Intermediate Classes and 25 in the B. A.

(xi) Board of Education. The only item of expenditure on account of the Board will be the T. A. payable to the members, and some contingent charges. We think that a sum of Rs. 2,000 will be ample.

(xii) Free Elementary Education. The provision for free education in the Elementary Schools will reduce the receipts under 'Education' by about Rs. 40,000 on the average.

(xiii) Stipends for Training. Our proposals to ask future entrants to the teaching profession to undergo training at their cost, and to reduce the rate of stipend in the case of the present untrained teachers may lessen the annual expense under stipends. Against this savings there will be increase of expenditure, on account of the increased number of teachers proposed to be got trained.

(xiv) Separate section for women. The opening of a separate section for the training of women may result in an increased expenditure which may be estimated at Rs. 3,525 or Rs. 3,600 assuming that 4 more hands, 1 in the Rs. 80-4-120 and 3 in the Rs. 35-3-80 grades will have to be appointed.

The net effect of the proposals (i) to (xiv) under "miscellaneous" is exhibited below.

i	+	Rs.	1,500	viii	+	Rs.	Nil
ii	+	"	3,000	ix	-	"	1,000
iii	+	"	720	x	-	"	1,750
iv	+	"	5,000	xi	+	"	2,000
v	+	"	500	xii	+	"	40,000
vi	+	"	1,000	xiii	-	"	Nil
vii	+	"	960	xiv	...	"	3,600

The total increase is Rs. 55,530.

Our recommendation on the whole will thus result in an increased annual expenditure of Rs. 96,000 (staff) plus Rs. 1,68,000 (grants-in-aid), plus Rs. 55,530 (miscellaneous) i. e., Rs. 3,19,530 or Rs. 3,20,000 in round figures.

173. We have not considered even cursorily the question of collegiate education and the increased facilities that may have to be provided for it. But as citizens of the State we think that, with the completion of the magnificent extensions to the College that are now in progress, it would be desirable to introduce additional courses in collegiate education involving extra cost.

174. Roughly, the educational expenses of the State which now range between 17 and 19 per cent of the gross revenues may have to be increased to 20 per cent taking into consideration the vast improvements we have suggested in Part II of the Report, and the probable improvements to be made under collegiate education.

We hasten to assure Government that this allotment should not be considered in any way dis-proportionate, or extravagant. We are aware that the object in starting the Educational Survey was to find out ways and means to minimise expenditure on education. But our enquiries have convinced us that to get the maximum benefits out of the system now in vogue and on which Government are already spending about Rs. 15 lakhs every year, it is necessary to spend a little more. The benefits that we expect for this excess expenditure are out of proportion to the slight increase in cost and we sincerely trust that the Government would not grudge it. We may also remind the Government that 50 per cent of this increase goes to improve the poor lot of the under-paid teachers in service and that 26 per cent of it goes to make the Elementary Education much more complete than what it is to-day.

Conclusion.

175. It now remains for us to express our grateful and sincere thanks to the Government for the kind opportunity afforded to the public of the State to offer their opinion in such an important subject affecting their vital needs. As members of the Committee we would also thank the Government for the facilities afforded to us to do our work satisfactorily and conveniently both at Headquarters and in the mofussil stations. We are deeply indebted to the Director of Public Instruction and the officers of the Education Department, especially the Inspecting Officers, for the timely and ungrudging assistance they have rendered to us in the course of our work. Our thanks are also due to the heads of other departments, who have been generous enough to help us with their views on the questions referred to them, and specially to the Comptroller of Accounts, who was co-opted as a member of the Committee and whose help to us in the calculation of the financial aspect has been very valuable. We should not omit to express our sincere feelings of thankfulness to those ladies and gentlemen of the various Associations and public bodies, whose opinions have been of considerable use and advantage to us in formulating our own views. We should also refer to the very hard work which Mr. A. Narayana Menon, clerk, Huzur Office, who was deputed by Government to work as clerk of the Committee, without prejudice to his legitimate duties, had to do under very high pressure forgoing even the holidays enjoyed by his brother officials. We would make special mention of his hearty co-operation in collecting the data required for the report.

(Sd.) S. K. Subramania Ayyar, President.

(Sd.) Rama Varmha Tampuran

(Sd.) Rt. Rev. Mgr. Edakolathur

(Subject to dissenting minute).

(Sd.) V. K. Achyuta Menon

(Sd.) M. Krishna Menon

(Sd.) C. L. George

(Subject to dissenting minute).

(Sd.) K. Ayyappan (Subject to dissenting minute).

(Sd.) Sulaiman Abdul Rahiman (Subject to dissenting minute).

(Sd.) P. V. Subramania Ayyar (co-opted member).

Ernakulam,

14th Meenam 1109.

Summary of Important Recommendations in the Report.

Part I.

1. Review of Educational Expenditure in the State. (Paragraphs 9 to 12)
2. Agencies conducting education—no direct connection between percentage of literacy and the liberal scale of grants-in-aid—comparison with the system obtaining in other States and in Cochin (Paragraphs 14 to 20)
3. Principles to govern the provision of schools. (Paragraphs 21 to 26)

Part II.

4. Consolidation and concentration of Elementary Schools.
 - (a) Provision of as many Lower Elementary Schools as possible, and fewer fully developed ones in central places (Paragraphs 24 and 28)
 - (b) Doing away with the distinction between Elementary Schools for boys and those for girls—Co-education in the Elementary stages (Paragraph 24)
 - (c) Abolition of special class schools as such, e.g., Fishery schools, Vala Schools, etc. Paragraph 29
 - (d) Recruitment of more women teachers in Elementary Schools (Paragraph 26)
 - (a) Maintenance of fewer Sirkar Secondary Schools, on a residential basis (Paragraph 30)
 - (b) Suppression of partly developed Sirkar High Schools. Past policy of increasing Secondary Schools without reference to the educational needs of particular localities (Paragraph 29)
 - (c) Maintenance of separate Secondary Schools for girls as a matter of educational policy (co-education not desirable in Secondary stages) (Paragraph 31)
 - (d) Suppression of Upper Secondary Forms in some Girls' High Schools, where their existence is not justified by the past poor strength, e.g., Trippunithura, Cranganur, Chittur and St. Joseph's Convent Girls' High School, Trichur (Paragraph 34)
 - (e) Appointment of competent women teachers in mixed Secondary Schools (Paragraph 35)
 - (f) Granting of stipend to girls studying in separate Girls' Schools outside their locality (Paragraph 35)
 - (g) Necessity for maintaining the Sirkar High School, Trichur as efficiently as possible as before (Paragraph 42)
 - (h) The strength in the High School at Ollur, and the Girls' High School at Irinjalkkuda to be watched for some years more, before suppressing them (Paragraph 42)
- Buildings and Equipment.*
 - (a) School buildings, Sirkar and Aided, as a rule not good—require to be improved to be built on a type model spreading the expenditure over a number of years. (Paragraphs 43 to 45)
 - (b) Provision of building and equipment grants to aided schools (Paragraphs 44 and 52)
 - (c) Collection of equipment fee of Re. 1 per year from every student in the High School classes (Paragraph 57)
 - (d) Setting apart all special fee collections to be utilised for the special purposes concerned (Paragraph 53)
- Staff.*
 - (a) Impracticability of enforcing that certificated people alone should be entertained as teachers. The rule to be observed however as far as possible (Paragraphs 57 and 58)
 - (b) New entrants into service to be asked to undergo training at their own cost, and within a specified period, their confirmation to be subject to their getting qualified (Paragraph 56)
 - (c) Rate of stipend in the case of existing untrained teachers to be reduced (Paragraph 59)
 - (d) Exemption from training to those who are aged 43, or have put in more than 15 years of continuous service to continue (Paragraph 60)
 - (e) Training course in the Government Training Institution to be so revised as to give each teacher training in some special subject or subjects, with a view to the ultimate elimination of specialists in Elementary Schools (Paragraph 62)
 - (f) Difficulties on account of the present method of working the double shift system—classes 1 to 3 in all Elementary schools to work only for 2½ hrs. a day, and one teacher to engage 2 classes, or 2 divisions of one class in a day—No special allowance (Paragraph 61)
 - (g) Necessity for providing a long time-scale for the pay of teachers in Elementary and Secondary Schools and Head-masters— (Paragraph 63)

- Grades, Elementary Rs. 17—1—20; Rs. 20—1—30 and Rs. 30—1—35 plus Rs. 3 for Headmasters (Paragraph 64)
 Secondary—Rs. 35—3—80; Rs. 80—4—120 and Rs. 150—10—200 for Headmasters (Paragraph 64)
- (h) Provision of supervision allowance of Rs. 5 for Headmasters of Lower Secondary Schools (Paragraph 65)
- (i) Selection grade posts unnecessary (Paragraph 67)
- (j) Regrading the pay of certain specialists in the Elementary and the Secondary and the Training Schools (Paragraph 69)

8. Curricula of Studies.

(i) Elementary.

- (a) Extension of the course by one year to make Elementary Education complete in itself—remodelling the curricula to provide for the teaching of all subjects of practical utility (Paragraphs 78 and 79)
- (b) English to be taught as a subsidiary subject in the last two classes of fully developed Elementary Schools (Paragraphs 80 and 81)
- (c) Elementary Education to be free throughout (Paragraph 82)
- (d) Text books for Elementary classes to contain a variety of lessons offering wider scope for choice of lessons to suit particular localities (Paragraph 83)
- (e) Text books to be edited by Government for a fixed period of years (Paragraph 83)
- (f) Reduction of the duration of work in classes 1 to 3 to 2½ hrs. a day (Paragraph 84)

(ii) Training Course.

- (a) Selection of candidates for training to be made with reference to the needs of schools of particular localities so that local people may be employed as far as possible in schools (Paragraph 88)
- (b) Necessity for getting more people trained year by year, so that in as short of time as possible all teachers may be qualified for the profession (Paragraph 89)
- (c) Desirability of opening another section for the training of women teachers. (Paragraph 90)

(iii) Secondary.

- (a) Curricula of studies for Secondary Education to be revised with reference to the rules and regulations of the Madras University (Paragraph 91)
- (b) Starting of Home Preparation courses for women teachers (Paragraph 93)
- (c) Bifurcation of secondary course into literary Secondary and Industrial Secondary after the Elementary stage (Paragraph 91)
- (d) *Vocational Education.*—The present system of vocational Education unsatisfactory—absence of literary knowledge in teachers and the taught—non teaching of the theory of the industries—consequent low quality of both teachers and the students (Paragraphs 92 and 93)

Suggestions for improvement.—(i) Elimination of the present Industrial schools by starting pre-vocational schools in suitable centres, after getting suitable candidates trained in the several subjects outside the State—course of study in the pre-vocational schools to be for four years—provision to be made for the teaching of the theory and the practice of the industry taught, for half the session daily, other subjects such as Vernacular, English, Mathematics, Drawing, etc., being included to enable students to understand the theory of the industries better—the syllabus to be so framed as to enable a candidate undergoing a successful course for four years to be fit to take to private occupation and to have a wage earning capacity more than that of an ordinary work-man in that line, or to be fit to join an advanced school of technological study. A student after four years of study in the pre-vocational school to be admitted into Form III of a literary school, if he desires to pursue literary studies (Paragraphs 94 to 96)

- (ii) Free education in the pre-vocational school—no stipend (Paragraph 94)

9. Grants-in-Aid.

- (a) Rates of grant now in vogue, too liberal, and have no comparison with those obtaining in Madras or Travancore. The rates recommended by the D. P. I. for Elementary Schools too low at the same time. Revision of the present rates urgently called for (Paragraphs 97 and 98)
- (b) Private management to be made to contribute ¼ of the cost of Staff, Government paying only ¾ of the pay of teachers in Elementary Schools as grant (Paragraph 105)
- (c) Grant to Secondary Schools to be fixed at ¼ or ½ of the net deficit, according as the school is a boys', mixed or a girls' school (Paragraph 105)
- (d) Rate of contingent expenditure to an aided school not to be based on the cost of staff, but should be based on the rates for corresponding Sirkar school, the maximum being Rs. 1,200 and Rs. 250 for Upper Secondary and Lower Secondary Schools respectively per year (Paragraph 103)

- (e) Hardship on account of the present rule of minimum strength for eligibility of grant. Hence a system of proportionate grants to be introduced to mitigate the hardship (Paragraph 104)
- (f) Rates of pay to aided school teachers for purposes of grant. Elementary school teachers to be given the same rate as those for Sirkar teachers of the same grade. Different and lower grades to be fixed for Secondary School Teachers, viz., Rs. 35—60, 60—90, and 120—150 (for Head-masters)—In special cases, Government to allow private management to give more than these minimum rates and grant to be calculated on such higher rates. Existing teachers in aided schools to be given the benefit of the present grades. (Paragraph 106)
10. *Control and management of private schools.*
- (a) Necessity for strict control and supervision over private schools, both aided and unaided (Paragraphs 108 and 109)
- (b) Codification of relation between teachers and managers of private schools, and the managers and Government—Managers to be given free hand in the matter of first appointment of teachers in their schools from among the list of qualified hands to be furnished to them—Managers to be given power to fine or suspend teachers for specific and good reasons and also to dispense with the services of those on probation—Managers not to have power of dismissing or dispensing with the services of permanent teachers without previous sanction—disputes between managers and teachers to be decided by the Board of Education. Teachers to have a right of appeal to the Director against an order of punishment by managers, and to the Diwan against an order of punishment by the Director (Paragraph 115)
- (c) Making provident fund compulsory in private schools. In special cases of financial difficulties on the part of managers, exemption to be given for them from contributing (Paragraph 115)
- (d) Amendment of the Education Code to incorporate these provisions (Paragraph 115)
11. *Inspectorate.*
- (a) The Committee not in favour of reducing the number of divisional officers or of creating a lower grade of Deputy Inspectors (Paragraph 116)
- (b) Increasing the number of Deputy Inspectors by 2 and distributing the number of schools among them (Paragraph 119)
- (c) Authorising Deputy Inspectors to visit and inspect Lower Secondary Schools also (Paragraph 119)
- (d) Post of Deputy Inspectress as such unnecessary—reserving 2 posts for ladies (Paragraph 120)
- (e) Necessity for revising the pay of Inspecting officers (Paragraphs 122 and 123)
- | | |
|---------------------------|----------------|
| Inspectress and Inspector | Rs. 250—20—350 |
| Deputy Inspectors | Rs. 125—5—150 |
- (f) Appointment of a Muslim as Deputy Inspector, provided qualified hands are forthcoming (Paragraph 120)
- (g) Necessity for inspection code clearly defining the functions and duties of the Inspecting officers (Paragraph 125)
12. *Female education.*
- Too early to withdraw or curtail concession for females. No objection to raise the fee for girls in the College classes to $\frac{1}{2}$ of the fee of boys—co-education undesirable as a matter of policy in the secondary stages (Paragraphs 126 and 127)
13. *Adult education.*
- Starting of village libraries in each Panchayat area organising a visual instruction branch (Paragraphs 129, 129 and 130)
14. *Education of the Backward and Depressed Classes.*
- Continuance of stipends for 2 years in each class—substitution of free education in the College Classes to backward class pupils, for half fee concession—Institution of 2 scholarships for the pupils of the backward classes for professional courses outside the State—prescription of a uniform procedure in the matter of granting half fee concession, and adopting a form of poverty certificate—inclusion of Kuduppi Chetties under Depressed classes for purposes of educational concession—adoption of the same rates of concession in Cranganur (Paragraphs 131 to 138)
15. Concession to poor students of other castes—setting apart a small percentage of the fee collection in each school towards stipends for such poor and deserving pupils (Paragraph 139)
16. *Muslim education.*—Muslim Education Committee, and a special officer to superintend Muslim Education unnecessary—the present arrangement to continue (Paragraphs 140 to 142)
17. *Namboodiri education.*—Namboodiris backward in English education—a system of stipends to be introduced (Paragraph 143)

18. *Sanskrit schools.*—Need for starting more schools, and for a liberal scale of grants to such schools—enforcement of curricula in all schools, and periodical inspection necessary—affiliation of the Sanskrit College to the Madras University—Provision of facilities to teach all subjects in the Government section as those in endowment section. (Paragraphs 144 to 148)
19. *School of Music and Painting.*—Special schools for these unnecessary—Painting to be introduced in the pre-vocational schools. (Paragraphs 149 and 150)
20. *School for defectives.*—Experiment on a small scale to be tried in the Training Institution—Teachers to be deputed for training at Palam Cottah (Paragraphs 151 and 152)
21. *Religious Instruction.*—No change from the present practice is called for—religious instruction to be conducted outside normal school hours (Paragraphs 153 to 155)
22. *Medical Inspection.*—The present system not satisfactory. Primary school children to be examined once in the Elementary course—Honorary Doctors in Government Hospitals and Medical men in charge of the several dispensaries, etc., to conduct the Inspection instead of the present Medical Inspectors who won't have time to do the work (Paragraphs 156 to 160)
- Abolition of the present system of Medical Inspection. Abolition of the present posts of medical Inspectors, and Inspectress, they being absorbed into the Medical or Public Health Department (Paragraph 161)
23. *New policy suggested for Primary Education.*
- (a) Local school Boards or school committees unworkable—Impracticability of eliminating Private and Aided agencies from the field of Education (Paragraphs 163 and 164)
- (b) Creation of the Board of Education to advise the D. P. I.—Board to have 7 members (D. P. I., President, one inspecting officer, Secretary, one representative each from the managers' Association, Teachers' Association, and one member from the Legislative Council to be elected by those bodies, and 2 others to be nominated by Government to serve special interests). The work of the Board to be honorary and advisory, to have a term of 3 years, and to meet at least once every quarter. The main functions of the Board to be to advise the Director of Public Instruction on matters referred to it, to consider applications for schools, for grants, etc., to decide disputes between teachers and managers of private schools, to draw up every year a list of qualified hands fit to be appointed as teachers in schools, Sirkar or aided, as well as a list of candidates to be trained year by year (Paragraphs 165 to 167)

Part III.

24. *Finance.*—The maximum expenditure on Education to be fixed at about 20% of the revenues of the State (Paragraph 174)

**SEPARATE NOTE BY THE Rt. Rev. Mgr. M. EDAROLATHUR,
MEMBER, EDUCATIONAL SURVEY COMMITTEE.**

I regret that I find myself unable to agree with most of the proposals formulated in the Report of the Committee; and I therefore feel bound to record my views in this separate note.

The Cochin Educational Survey is primarily the result of the recommendations of the Special Finance Committee which concluded its labours six years ago in 1928. This Committee recommended *inter alia* the desirability of the abolition of some of the Sirkar Upper Secondary Schools; the transfer of Primary and Secondary Education to private agency and the restoration of building and equipment grants to encourage private agencies to open new schools. The Government, in accepting these suggestions, ordered a detailed survey of the educational requirements of the various localities in the State. The Survey Report, though comprehensive in scope, contained several novel features; and was, therefore, accorded a mixed reception by the public, who in the main subjected it to a searching criticism both in the press and on the platform.

In pursuance of the Director's suggestion, the Government appointed the present Committee to consider the various recommendations contained in the Report. The Report submitted by the Committee, I am however constrained to observe, reveals a lack of the grasp of realities and actual conditions; and many of the recommendations contained therein are, therefore, unworkable and if accepted by Government would usher in an era of educational retrogression in the State.

At the very outset the Committee is alarmed at the growing expenditure in the Educational Department when the annual budgetted amount ranged only between 12 and 15·3 per cent of the total income of the State and asserts that "the time has certainly come for us to pause and consider whether we have not reached a stage in the outlay on education beyond which it will be hazardous to proceed"; and yet strangely enough it does not hesitate to recommend a scheme of reorganisation which will result in an increase in expenditure by 3·2 lakhs of rupees and fixes 20 per cent of the total revenue of the State as the minimum to be spent on education. It then hastens to assure the Government that "this allotment should not be considered in any way disproportionate or extravagant". Another regrettable feature of the Report is that important pronouncements of eminent administrators like Sir P. Rajagopalachariar and Sir Albion Banerjee explaining the importance and utility of private agencies in the field of education are interpreted in a manner which the authors of these statements could not have dreamt of. The authors of the Report throughout view the management of aided institutions with a bias and suspicion which is as unjustifiable as it is unfounded, and indulges in expressions which are insinuating; and even when compelled by the logic of facts to make appreciative reference to the work of these educational agencies, they do so grudgingly and without grace. They seem hardly to realise the importance of aided schools in the economy of State education and consequently make recommendations which will not only restrict but eliminate private agencies, thus depriving the State of the pre-eminence which it occupies to-day in point of literacy and enlightenment.

Other serious drawbacks of the Report are that some of the statistical tables furnished therein are incorrect and misleading; that it is based mostly on information gathered from official sources; and that in the matter of concentration and abolition of schools, due appraisal has not been made of local conditions. It is also very regrettable that adequate consideration was not given to the views of expert Committees like the Special Finance Committee and the representations of responsible non-official bodies such as the Managers' Associations, ecclesiastical dignitaries and distinguished educationists like Rao Sahib C. Matthai, the retired Director of Public Instruction, who were all invited by the Committee to offer their views. Much valuable experience was thus lost in the preparation of the Report.

The Growth of Expenditure on Education.

The problem as set forth at the very beginning of the Report deals with the enormity of the Government's annual expenditure on education. It is

pointed out that while the sister State of Travancore spends only 18.2 per cent of the gross revenue on education, Cochin has budgetted for 1109 M. E. about 19 per cent, and that this is the maximum outlay on education beyond which it would be hazardous to proceed. These figures are either incorrect or misleading. Travancore as a matter of fact spends a larger amount on education. On page 52, para 23 of the "Statham Committee" Report it is stated that "the percentage of total Government revenue in Travancore spent on education is 23.6". In Cochin the percentage has generally been less than 15. The inflation in the education estimates of the current year has been mainly due to the large sums budgetted for the Maharaja's College equipments, which will not be a recurring expenditure.

Besides, we would obtain incorrect results, if we arrived at a percentage on the figures of the current year; since generally the estimated and revised amounts vary considerably and it will take some time more before we can know the actuals. Thus for example, the budgetted total receipts for 1107 was Rs. 84,67,000 and the educational estimate for the year came to Rs. 15,49,700; thus yielding an outlay of 18.3 per cent on education. But the revised figures for the year were Rs. 1,02,29,900, total revenue; and Rs. 15,65,400 educational expenditure, which brought down the percentage to 15.3. This may explain the statistical error even in the Administration Report of the Department for the year 1107 M. E.

A comparison of our figures with those spent for the same purpose by the other progressive Indian States will go to convince any-one that Cochin is spending proportionately a lesser amount on education. The percentage for Baroda, Mysore and Travancore is 18.3, 19 and 23.6 respectively; while that of Cochin for the same year comes to only 15.3. Thus there is no ground for the assumption in the report that we have reached the maximum level in educational expenditure; nor is there any justification whatever in the proposal to cut down existing grants, which has been productive of so much good in disseminating literacy in our land, with the result that educationally Cochin stands to-day in the very first place among the States and provinces of the Indian Empire.

I may here point out that the growth of expenditure on education has not at all been exorbitant in comparison with the growth in other departments. Look at the following figures showing the expenditure on some of the important departments, including education from 1101 to 1107 M. E.

Serial No.	Departments	1101	1107	Percentage of growth
1	Agriculture and Panchayat	20,00,026	4,51,200	125
2	Medical and Sanitation	3,33,420	5,02,300	50
3	Scientific	90,634	1,49,400	65
4	Public Works	10,67,683	15,52,700	50
5	Forest	1,86,069	2,49,000	34
6	Education	11,61,116	15,65,400	34

These figures show conclusively that other Departments have not suffered owing to the demands of the Education Department; and that as a matter of fact the percentage of growth of expenditure in this Department has been the lowest in recent years.

In para 11 of the report it is stated that "reviewing the heads of Revenue, we are forced to think that there are, however, no great prospects of expecting a large yield from any of the sources of income for years to come. On the other hand, there is sufficient reason to fear that under some heads of revenue such as Excise, a fall in income is not at all unlikely in the long run". This is another instance of a merely gratuitous assumption which is made use of to

justify the proposal to cut down grants, which is the only means, according to the report, to arrest the supposed growing expenditure. In the first place, even granting that we have reached the maximum of our total receipts, any cutting down of essential items of educational expenditure can be resorted to only when we have passed the maximum percentage which can be reasonably allowed. We have seen already that Travancore spends 23·6 per cent though the results obtained are not so good as in our State, which will be clear from the figures given in the Census Report for 1932-1933. A greater amount is spent in some of the advanced countries of the present day. Considering the importance of education in modern society, I think a demand of 25 per cent of the gross revenue for education will not be unreasonable. Lest this may be considered a very alarming figure, especially in view of the great financial undertakings our Government have in hand now, I may propose 20 per cent as the maximum towards educational expenditure. This has been finally conceded in para 173 of the Report, though quite a different stand-point was taken at first. Leaving out of account the educational budget for the current year which, as has been already pointed out, is an abnormal one owing to the large sums estimated for the Maharaja's College, we have not so far exceeded 15·3 per cent. Thus instead of cutting down ordinary, salary and contingent grants, the Government can reasonably provide a few more lakhs in their annual budget towards building and equipment grants and play-grounds to aided institutions of all classes, which alone will contribute to a tangible increase in the qualitative value of education imparted in our State.

In this connection I wish to emphasise that curtailment of expenditure on education should come only after the curtailments on other items have been made; for this item is more important than any other item in a State's system of economy; and the axe of retrenchment should fall on it either at the last or in the least. Expenditure on education is in the nature even of an economic investment for the people, as it is calculated to increase the efficiency of the individual and thus add materially to the wealth of the State. In this connection, I may quote the very weighty pronouncement of the Arch Bishop of York in the columns of the London Times in one of its issues last year. Says His Grace:—"There is, therefore, no department of national expenditure in the cutting down of which there should be so much hesitation as in that of education. If there is to be any retrenchment at all, it must be in the direction of educational administration and buildings, but certainly not in the direction of reducing educational facilities. It would be a serious national blunder, if retrenchment ended in depriving even a single pupil of the benefits of education which he might have otherwise got. No country, therefore, attempts to touch education with its axe of retrenchment, unless retrenchments in other directions have been made and found inadequate." This is not the case in Cochin to-day. The suggestion, therefore, that in the interests of other items of expenditure, that on education should be curtailed is not to be accepted, particularly when there has been a series of surplus budgets.

Our Revenue is elastic.

The report has laboured at length over the financial problems of the State, made a gloomy forecast and thus fortified, has made conclusions prejudicial to the aided schools, though it has ultimately advocated a scheme involving a considerable increase in the expenditure under education. The finances of the State could safely be left to be tackled by those in charge of the present administration, but I am constrained to offer the following remarks to remove any misunderstanding likely to be created by the facts as set forth in the Report.

I am not so very despondent as some of my colleagues regarding the possibility of increase in the public revenue. The Budget figures for the past decade will make it clear that receipts under the sources, Railway and Customs, have been the mainstay of the State. The completion of the Cochin Harbour, the conversion of the Railway into broad-gauge and the improvement of world economic conditions, will increase the revenue under these heads.

Nor is there sufficient reason to fear that under Excise a fall in revenue is likely to occur in the long run. It is true that at the height of the Congress

movement, owing to pressure brought to bear by picketing liquor shops, there was a fall in Excise Revenue in British India; and to some extent it had its repercussions in Native States as well. Owing to the restoration of stable conditions, however, the movement has completely died out; and we may safely presume that there will be no fall under this head of revenue for a long time to come. I do not, therefore, agree with the observation in the main report that there are no great prospects of expecting a larger yield in future from any of the sources of income and that there is sufficient reason to fear a drop under some heads of revenue.

Looking back at the financial position of Cochin in the past, it is interesting and affords us an object lesson to-day to recall that when Mr. (Now Sir) A. R. Banerji was at the helm of affairs, our State successfully passed through a financial crisis of the first magnitude. In the year 1084 the gross receipts of the State were Rs. 33,52,452 while there was a gross liability of nearly Rs. 30,00,000 mainly owing to the loans outstanding against the revenues of the State. This did not drive that veteran administrator to lay the axe of retrenchment on education, nor restrict its beneficent operations in the State. Realising the importance of such a vital nation-building department as education and keenly aware that the Sirkar alone could not successfully meet the growing demands of the department, he continued with even greater vigour Sir P. Rajagopalachariar's wise and liberal policy of encouraging private enterprise in the field of education. In a press communique issued in 1908 he quite explicitly emphasises:—"Having regard to the disproportionately high rate at which the Government are paying for education of each pupil in the Sirkar Primary schools, the only correct policy at the present juncture is to introduce an elastic system of grants under which the managers of a large number of unaided institutions may be able to equip them so as to make them really useful and efficient". This resulted in a warm and enthusiastic response on the part of Private Agencies; and there now took place a phenomenal increase in the number of aided institutions; which while keeping down Government expenditure on education, really accelerated the spread of literacy among the people. By such judicious financial handling in this and other departments, Sir. A. R. Banerji not only wiped out the large State liabilities between 1084—87 M. E., but actually inaugurated an era of surplus budgets before he handed over the reins of administration to his successor.

Those who are entrusted with the task of administration to-day are also facing a financial crisis, though not of the same magnitude owing to large commitments in the Harbour and acute economic depression that is hanging heavy on the peoples of the world; but they may profitably follow the methods of Sir A. R. Banerji by cutting down the expenditure on Sirkar educational institutions of all grades and divert a part of the funds towards enhanced grants to aided institutions which would increase their number and efficiency.

Sirkar and Aided Schools.

Before the present system of education came into existence, there were only a few Government schools and no aided institutions. But from the year 1075 onwards both the Government of Madras and the British Resident pressed upon the attention of the Cochin Darbar the necessity of extending aid to private schools. In a Government Order issued in 1075 the Diwan Mr. (later Sir) P. Rajagopalachariar stated "that there can be no doubt that a better out-turn can be secured if direct departmental operations are reduced and the funds thus set free are utilised for subsidising aided schools and this point must be kept in view whenever educational references are disposed of. The Superintendent must clearly understand that the policy of the Darbar is to restrict and to reduce departmental operations and to encourage the operation of the aided agency."

Thus at the very time when the foundations of our present educational organisation were being laid, it was perceived that the main basis upon which that structure should be built, was the aided schools. We have already seen how Sir Albion Banerji endorsed this policy in equally unmistakable terms. He stated that "the Government should endeavour to encourage private agencies and secure their co-operation to the utmost extent by liberal and systematic

policy; otherwise it would be difficult to find the ways and means to finance educational institutions on a very extensive scale". This principle Sir Banerji assiduously endeavoured to put into practical effect. He secured the services of an educational expert, Mr. John Vansomeran Pope, as Special Educational Officer for three years. After studying the local conditions, Mr. Pope drew up a comprehensive scheme for the development of education, in consultation with experienced educationists both within the State and outside and then compiled an Educational Code, embodying among other things the Grant-in-aid Rules, in accordance with the new policy of a more elastic system of grants.

Mention must be made here that the fountain-head and source of this inspiring policy was the greatest of Cochin's Rulers, His Highness, the late Ex-Maharaja, whose great solicitude for the welfare of His subjects was expressed in all His acts; and in no sphere was His benevolent zeal more continuously exercised than in the Department of Education.

What far-reaching and beneficent results this policy had in placing Cochin to-day in the van of educational activity in India, is a matter of common knowledge. Our small State, with its limited financial resources, would not have made these giant strides in education but for the willing and enthusiastic co-operation of aided agency. Taking the figures for 1107 we find that whereas out of a total of 634 schools of all categories, there were as many as 468 private institutions, only 166 were owned and managed by Government. This disparity in numbers becomes all the more glaring, when we take into account that these Sirkar schools cost the taxpayer enormous expenditure; while the aided agencies are a source of great saving to Government. Thus while the average cost to Government for the maintenance of a Sirkar Primary school is Rs. 2,008, the approximate average expenditure for aided Primary school in respect of grants is only Rs. 750. (Vide Report of the Educational Survey, p. 20). To conduct a Sirkar school, therefore, it requires by way of cost considerably over twice the amount met by the Government on a corresponding aided school. This fact is all the more emphasised by the facts and figures culled from the administration reports of the Education Department for the years 1105 to 1107 and given below. In 1105 out of a total number of 751 literary schools, only 171 were conducted by the Government, in which 45,966 pupils were taught at a cost of Rs. 6,20,161; whilst in 580 private schools, 1,06,166 pupils were given instruction at a cost of only Rs. 4,44,753. The same tale of extravagant expenditure on Sirkar schools for a comparatively limited number of pupils and a very strikingly low expenditure for over double the number of students attending private schools is seen repeated in the pages of the administration reports of other years. Thus in 1107 to maintain 36,651 pupils in Sirkar Primary schools it cost the Government Rs. 3,30,350; while the amount spent in the shape of grant to aided schools to educate 95,560 pupils came to only Rs. 3,85,716. The expenditure incurred on 8,458 pupils in Sirkar Secondary schools is Rs. 1,12,638; but it cost the Government only the small sum of Rs. 51,075 to educate almost an equal number of pupils (8,600) in aided Secondary schools.

Answer to question No. 104 of the Cochin Legislative Council Session of 5th August 1932 will show clearly the same enormous difference in expenditure per pupil in the Secondary Department of Sirkar schools and that of aided schools.

Cost to Government per pupil.

	Rs.	A.	P.
(a) Sirkar High School, Trichur	18	5	0
(b) St Thomas' High School do	2	0	0
(c) C. M. S. do do	6	7	0
(d) Vivekodayam do do	6	2	0
(e) V. G. School, (Sirkar) do	38	0	0
(f) Sacred Heart Convent High School, Trichur	8	13	0
(g) Girls' High School, Irinjalkkuda (Sirkar)	25	21	0

The Director's Survey Report itself admits that the cost of maintenance of Government Primary schools (124) is Rs. 3,73,573, excluding the P. C. R. charges, pensions and other incidental items of expenditure, while grant to Private Primary schools (391) amounted to only Rs. 4,26,078.

On Industrial schools Government spent for 1,911 pupils Rs. 1,07,543 while the cost of educating 1,228 pupils in aided schools came to Rs. 9,247 only. The same marked and unjustifiable difference in expenditure is kept up in subsequent years.

A study of these figures amply bears out that private agencies are a means by which immense economy is effected by Government and that comparatively more money is spent by Government to conduct a far fewer number of Sirkar schools; the proportion of the cost per pupil attending a Sirkar Institution and that in an aided one being over 2 to 1. It will become equally clear that if private agencies were not forthcoming and the Government itself undertook to start and conduct 634 institutions in the State, it would have cost the Sirkar the huge sum of Rs. 15 lakhs over and above what it actually spends now; or in the other alternative, the number of schools would have been far fewer and Cochin would not have compared favourably with the other progressive Native States and even British India in point of literacy.

Having regard to the fact that private schools are as efficiently conducted as the Sirkar institutions, as is evidenced by the results in Public Examinations and achievements in the field of sports and as is testified by Inspection Reports and well-informed responsible public opinion; and having regard to the disproportionately high rate at which the Government are paying for the education of pupils in Sirkar schools, the enormous amount of money which the Government spent on Sirkar schools is not only uneconomical, but wasteful and an injustice to the tax-payer. The only reasonable course under such circumstances would be to accept the suggestions of the Special Finance Committee which are as follows:—

“The abolition of some of the Government Upper Secondary schools especially in places where there are private schools or their transfer to private agency, the elimination of division of forms in the Government schools especially in places where there are private schools in convenient proximity, the transfer of primary education to private agency as much as possible, the provision of building and equipment grants to encourage private agencies to open new primary schools and the reduction of expenditure on stipends and scholarships.”

The aided schools thus form the key of the arch in the educational structure of the State, and are mainly responsible for the rapid spread of education at a comparatively low expenditure. As the manager of the Premier Aided Institution in the State and Secretary to the School Managers' Association, I have had intimate contact with the working of private agencies in the field of education; and I feel it, therefore, in duty bound to point out here that some of the references in the main report to aided schools reflect badly on the managements thereof and reveal a want of appreciation of their noble and selfless work to spread learning amongst the various communities in the State. I may also sound a note of warning that any attempt to disturb the present system would result in the complete break down of so important a structure of public utility built up during the past two decades by the constructive wisdom of two of our greatest Diwans.

In this connection the following appreciative references to the work of aided agencies in a speech recently delivered by Sir A. P. Patro, some time Minister for Education to the Government of Madras, are relevant. He said that a school for every village, on a pial or under a banyan tree, manned by enthusiastic and honest teachers was the need of the hour. All agencies which were engaged in the work must be fully availed of and helped. In this connection, he said, the Madras Corporation had not done their duty; their treatment of the aided institutions which had been doing the work cheaply and efficiently had not been fair. He hoped steps would be taken to bring the work of the Corporation schools and aided institutions into line so that the best results might be obtained. The aided agency, he said was a great asset in the expansion of elementary education in the Presidency and the impression that it was existing for profit making was altogether wrong as it was also unjust. There were, no doubt, certain aided schools which were defective and inefficient. But the cure for this was not to do away with the aided agency altogether (The Hindu, 2nd April, page 12).

Provision of Schools.

In para 28 of the report it is stated that "the Convent L. S. School, Irinjalkkuda, was recognised when there was no scope for two Girls' Lower Secondary schools in that locality". A perusal of the departmental order on the petition from the Convent authorities, dated 23rd April 1923 will show that the school was started owing to the overcrowding of the two neighbouring schools; and that though the Department objected to the opening of the Lower Secondary forms in that year for want of accommodation it gladly sanctioned the same in the following year and expressed its gratification at the very efficient manner in which the school worked (vide order 12th February 1925, Dis No. 4201/D/00). Since then the school has made further progress in buildings, equipment and staff and its growing efficiency and popularity have been testified to in the various Inspection Reports and by distinguished visitors.

In the same para an adverse comment is also made on the Convent school at Chelakkara. The genesis of this institution is an exceedingly interesting one in as much as it is the outcome of a persistent and organised popular demand. This was voiced forth by the Member for Pazhayannur in the Legislative Council to which the Director of Public Instruction replied that the Government would be glad to welcome a private agency to open a new school there (vide L.L.C. L. C. Vol. II, Part 26, page 2164). Subsequently, the local inhabitants petitioned His Excellency the Bishop of Trichur to open a Girls' School and this request was forwarded to the department and sanction obtained.

The efficient working of both the schools has been admitted by the Director of Public Instruction in his recent visits.

Para 72 (a) of the report examines the position and future of the Sirkar High School, Trichur. In this town there are three other well-equipped and well-managed institutions, such as the Vivekodayam, the C. M. S. and the St. Thomas' High Schools. Whereas the strength of these private institutions has steadily gone up, which speaks well of their efficiency and popularity, the strength of the Sirkar High School has steadily gone down. Yet the Government is still incurring an annual loss of about Rs. 24,670 though it costs the Sirkar only a fraction of this huge sum to maintain all the three aided institutions of the town. No wonder then that the Municipality has refused to take over the management of this very costly and superfluous institution, though such a step was warmly recommended by the Director. In the face of these facts and the brilliant results that the aided Boys' Schools score year after year both in the Public Examination and in the field of sports and athletic competitions, it is rather surprising that the Committee should recommend its continuance by the Department as a model institution.

The fact is all the Sirkar institutions especially the Secondary schools involve a huge financial strain on the State Exchequer. In this connection, it may be pointed out that in proportion to the total population Cochin has far too many High Schools when compared with even the most progressive Indian States and provinces. In localities where there are already aided High Schools, the Sirkar institutions may be suppressed; and in the remaining cases, they may be handed over to private agencies. This will result, as has been pointed out elsewhere, in a considerable saving to the Government without in any way impairing educational efficiency.

Raison d'etre of Aided Schools.

The survey report insists upon the allegation that cheapness at the cost of efficiency was the reason that induced Sir Albion Banerji to extend the system of aided schools. "A careful perusal of the Minutes and Proceedings of Mr. Banerji on the subject will convince any unprejudiced and impartial mind that the only consideration which weighed with him in finally deciding in favour of the restriction of State management and the extension of aided educational agency was one of comparative cost". (Report para 79). But this is a prejudiced interpretation of that great Statesman's attitude in this matter. For in a press communique dated 24th February 1908 he made the following statement which may be said to be the very cornerstone of the present educational organisation:

of the State:—"I doubt if a complete departmental system of education is justified in the present state of the State on the ground of either principle or expediency. Children of different races and creeds have to be educated and no cut and dried system can safely be applied to all. On the other hand, the people of the various communities will take more interest in the education of their own children if they have the management in their own hands".

Thus both the question of comparative cost and the rights of communities to maintain their own schools contributed towards the encouragement and development of aided agencies in the past. Now, even supposing for arguments' sake that the State has enough financial resources to undertake the entire volume of educational work; still it will not be justified in reserving the monopoly of education to itself. The parent and the parent alone has the right and responsibility of giving a suitable education to his child and to choose the institution in which the child will receive that education. In this connection, I may draw attention to a recent remark made by Mr. Ramsbotham, Parliamentary Secretary to the Board of Education in England. He says:—"The parents are and must remain primarily responsible for the training and the education of the children that they bring into the world. Nothing can or should divest them of that responsibility. It is for the State to supplement the parents and not to supplant them".

The Hindu of July 20, 1927 commenting on section 49 of the Madras Elementary Education Act says that the clause "No guardian shall be compelled to cause a child to attend a school at which attendance at religious instruction in a faith other than that to which the child belongs is compulsory" must be made a common law for all Denominations. This concedes the right of the parent to choose the school for his child and Denominational institutions have thus a right for existence.

Private Agencies are, therefore, quite essential to carry on the work of education and it is the duty of the State to help and encourage such private enterprise as long as they satisfy conditions *sine qua non* for proper and efficient instruction.

In this connection I regret to point out the Survey Report calls in the authority of Sir Albion Banerji to show that even during his regime such a strong desire existed on the part of the people for Sirkar schools. "The tendency of late has no doubt been to ask for Sirkar schools everywhere and a strong desire for Sirkar management." These words of Banerji are quoted in the Report. Now to quote so that eminent statesman is very misleading; because the preference shown by the people for Sirkar schools and Sirkar management is a preference of these over pial schools and pial management which was the prevailing type of educational organisation in those days. People did not ask for the former in preference to aided schools. These latter were coming and people even confused them with Sirkar schools; because of the Government aid, inspection and control of these schools. So in asking for Sirkar schools they were asking for these in preference to pial schools and in many instances they were only asking for aided schools. When Mr. Banerji's words are thus viewed in their true setting and especially in the light of his strong and pronounced predilections for aided schools, it is clear that his authority cannot be invoked to support any assumption that the people have all along preferred Sirkar to aided schools.

As a matter of fact every one knows that there are a few institutions which without public support and due to financial stringency have requested the Government to take them over; while there are some instances of even good schools that have made such requests, because some kind of undue pressure has been brought upon them in the interests of teachers, who for reasons of pensionable service and other privileges naturally desire for Sirkar management. It will be altogether erroneous to generalise upon the efficiency or otherwise of educational institutions taken as a class; for each school, Sirkar or aided, has to be judged on its own merits.

Future of aided Schools.

On page 5 in the report of the Educational Survey, the D.P.I. says that "we certainly do not have too many schools, if our aim is to educate every child of school-going age." It will be preposterous to recommend the reduction of the number of our existing schools in these days, of mass education. It will be financially impossible for the Government to take over the management of all present schools. If all the private schools are to be taken over by Government, an annually recurring expenditure of more than double the amount now spent on education would be the result, not to speak of the incidental-charges of such resumption on account of enhanced salaries to staff, pension; and the still more enormous sums which have to be given to managers towards the cost of school building and other compensation. Hence it is impossible for the Sirkar to take direct control of education especially elementary and this fact is grudgingly admitted in the report.

The next alternative to Sirkar management and control in the opinion of the author of the Educational Survey Report is the proposal to transfer management to local bodies. This proposal is discountenanced and rightly in the report as impracticable, especially in view of the absence of civic responsibility in our State as is revealed by the working of the Panchayat Department.

It is thus evident that Government cannot do away with the machinery of private agency in the field of education. Thus the aided schools which have in the past made a most useful and distinctive contribution to the growth of education in our State have an equally great future.

In this connection, I may point out that the Statham Committee also recommends that the Government should gradually divest itself of the management of a considerable number of departmental institutions in the State. This recommendation will also throw light on that Committee's high appreciation of the value of aided agency in the field of literary education. Para 22, page 51 of the Report says that "Aided agencies are to be welcomed from another point of view also. They represent in many cases organised enthusiasm or personal enthusiasm which, unfortunately, tends to be absent from the more formal and impersonal machinery of the departmental agency. As we have shown in another chapter, the missionary spirit in education would be present even in departmental institutions if all officers were really enthusiastic about their work. But it cannot be denied that certain aided organisations whether Christian or non-Christian have a driving power behind them which, if their schools are otherwise efficient must prove to be a welcome form of effort in the field of education".

System of grant-in-aid.

This takes us to the question of grant-in-aid. It is contended in the report that the continuance of the present number of schools would entail a reduction of the grants-in-aid or in the alternative the imposition of an additional tax, in view of the recent increase in the educational budget. But a careful and unbiased examination of facts will show that neither of these alternatives is necessary. The rise in educational expenditure during the past four years is partly due to the large sums of money Government spent on College-equipments and partly the result of the appointment of superfluous supernumerary hands in Sirkar schools and maintenance of unnecessary divisions in both Sirkar boys' and girls' Secondary schools at a prohibitive cost. Expenditure under these heads can be easily controlled, which will result in the saving of a few lakhs of rupees.

This saving will enable the Government to make a generous revision of the grants-in-aid system in favour of private agencies, which in turn will enable the aided schools to have better equipments and buildings and a contented staff. In this connection it is interesting to note here the unanimous view of the Special Finance Committee on the work of aided schools. They say that "as the work of private agencies is both necessary and welcome for the extension of Primary education among the people, this expenditure must go on increasing in

view of the splendid response of private agencies to the call of the Government and the people."

The same opinion is expressed by no less an authority than Rao Sahib C. Matthai, the retired Director of Public Instruction (vide the note of the discussion with Mr. C. Matthai as recorded by the Committee). He thinks that the present rates of grants-in-aid cannot be reduced simply because it will affect the present schools. He is sure that many aided schools will have to be closed down if the grants are reduced and that the Government will, therefore, be obliged to open Sirkar schools in their stead which he thinks will be bad economy. He says that a comparison in this matter with Madras or Travancore will be odious, looking into the degree of efficiency and literacy obtaining in the State.

It is now proposed to reduce the grant to Elementary schools to $\frac{2}{3}$ of the pay of teachers, and to abolish all contingencies; and to pay $\frac{1}{2}$ or $\frac{2}{3}$ of the net deficit alone as grant to Elementary Institutions according as they are boys' or girls' schools; thus doing away with the present salary grants altogether. It is also proposed to reduce the contingency grant to Rs. 240 in the case of Lower Secondary schools and to Rs. 1,200 in the case of Upper Secondary ones. This proposal to lay the axe at the root of the existing grants-in-aid is due to a misconception that the rates in our State are higher than what obtains in other places. In Madras a Manager gets much better payment from Government than what is given in Cochin. According to the scale of 'assessed grants' for every trained School Final employed by him the manager gets from the Government Rs. 16—8—0 per mensem; besides this, the manager is given an efficiency grant which may go up to 50 per cent of the 'assessed grant' per year, while he is also allowed to levy fees upon pupils even in Elementary schools. Thus the manager makes up from these sources practically the whole amount of the teachers' salary and other cost of running the school without his having to contribute anything towards it. Further the department does not insist upon a fixed salary to be paid to teachers as in Cochin. And yet there is a persistent and growing demand in Madras to get the rates of grant increased. In Mysore and Baroda a far more generous system of grant prevails than what obtains in our State. In Travancore the grades of pay of teachers are slightly lower, but not the rates of grant. These lower grades of pay are possible there because of the different set of circumstances in that State, among which may be mentioned the lower qualification of teachers than that required here. This may explain why the schools there maintain a lower standard of efficiency and the State comes in for a smaller percentage of literacy than what obtains in Cochin. I may point out here that the Committee recommend the introduction of the teaching of English in all our Elementary schools and, therefore, it will be necessary to insist upon a higher qualification of teachers than in Travancore, where most of the institutions are purely vernacular. The lower grades of pay in Travancore may also explain the comparatively smaller number of schools in proportion to the area, population and the number of villages compared with our State. In Travancore for 3,936 villages there are only 2,891 schools; whereas in Cochin for 273 villages there are as many as 634 schools. And yet both the D. P. I. in his Survey Report and the Committee agree that facilities are still wanting in our State for all children of school-going age to receive the blessing of primary education. The existing grant-in-aid system in our State has, as already stated above, encouraged Private Agencies to open a very large number of schools and appoint teachers of higher qualification with the result that we have a higher percentage and a more efficient level of literacy than in Travancore.

According to the census figures of 1931 in Cochin 460 males and 220 females per mille of the population are literate, while the corresponding figures in Travancore are only 408 males and 168 females; The figures for Mysore, Baroda and Madras compare still more unfavourably being only 174 and 33, 331 and 79, and 188 and 30 for males and females respectively per mille of the population.

The following appreciative remarks made by the Commissioner of Census may be aptly quoted here:—"The influence of the Indian Clergy and the educational activities of Christian missions, which won for them their high position have enabled them to retain it, while helping the followers of other religions

also on the road to literacy and progress". (Vide Census Report Volume XXI, p. 191).

Amongst the reasons for reducing the grant is the allegation that some managers generally do not contribute their share of one-fourth of the deficit. Even if this charge is true, the proposed reduction of grant will not mend matters, because when one does not find sufficient funds to meet a smaller contribution; how can the Committee imagine that further reduction of grant will enable such managers to pay a larger amount consequently upon such reduction? This will entail further hardship on the poor teachers under these managers; while those managers who contribute their share will have to bear an additional burden.

In part III of the Report dealing with the financial aspect, the figures are so manipulated as to make the managers believe that the amount of grant they will receive under the new conditions will not be appreciably less than what they are now getting. The report tries to prove this by giving the hypothetical case of a school which has five teachers on its staff. I may point out that this is not borne out at all by actual facts. Take for example the case of an existing elementary school with 13 class teachers and 3 specialists. The actual payment given is Rs. 294 per mensem and the grant received is Rs. 253—12—11. According to the proposed rates of grant the manager will have to contribute Rs. 96—8—4 including contingencies, which will go on increasing when those teachers reach the maximum of their enhanced pay. The manager then will have to contribute Rs. 143—10—4 per mensem. Thus the manager of this school who has to contribute only Rs. 40—1—1 under the existing system of grant shall have to find Rs. 143—10—4 per mensem to meet the demands of the Sirkar under the proposed scheme and when it is understood that this will involve an annual burden of Rs. 1,723—12—0, the hardship which the proposed change will lead to may be realised.

Similarly, in another elementary school with 6 teachers and 1 specialist the manager pays Rs. 121 and gets a grant of Rs. 101—15—0. Now according to the new grades of pay his contribution will amount to Rs. 39—4—4 and this will go on increasing when they reach the maximum. The manager's contribution will then amount to Rs. 64—7—2 per mensem aggregating to Rs. 773—6—0 for the year. If the Government enforce the recommendation that a school should have a permanent income from endowments equal to one-fourth of the anticipated expenditure, then in the case of the former institution, the manager should find a sum not less than Rs. 43,000 and in the case of the latter Rs. 19,200 supposing that the investment brings a 4 p. c. return.

The corresponding figures in the case of an old and well conducted Upper Secondary school are as follows:—

A. Statement of Income and Expenditure under the present rates of grant-in-aid.

Income.		Expenditure.	
Fee receipts	Rs. 12,333—0—6	Salary of teachers	Rs. 16,316—12—7
Salary and contingency grants	5,040—0—0	Contingencies expenses	1,873—15—6
Total Income	Rs. 17,373—8—6	Total Expenditure	Rs. 18,190—12—1
Net deficit borne by the Management		817—3—7	

B.

Statement of Income and Expenditure under the proposed rates of grant-in-aid.

Income		Expenditure.	
Fee receipts	Rs. 12,333—0—6	Salary of teachers	Rs. 16,316—12—7
½ deficit grants	1,991—14—0	Contingent expenses	1,873—15—6
Contingency grant	1,200—0—0		
Total income	Rs. 15,524—14—6	Total expenditure	Rs. 18,190—12—1
Net deficit to be borne by the Manager		Rs. 2,665—1—6	

Thus the committee's proposals to cut down the existing rates of grant-in-aid will increase the burden of the management of the above school from Rs. 817—3—7 to Rs. 2,665—1—6 and will go on increasing as the teachers

reach the maximum of their scale. In the case of another school the deficit borne by the management under the present system amounts to only Rs. 830 whereas under the new proposal his contribution will go up to Rs. 2,910.

Another proposal in the report is to abolish contingencies altogether in the case of elementary institutions and to reduce it considerably in the case of the secondary schools. The contingency grant was originally fixed at 12½ per cent; but subsequently it was reduced to 7½ per cent on the understanding that Government would restore the building and equipment grants. The present proposal to drop the contingencies altogether in the primary department is a step calculated to discourage private agencies who have been instrumental in spreading literacy throughout the length and breadth of the State. Considering the enormous expenditure incurred by the Government in running Sirkar primary schools, one fails to understand the reasonableness of this suggestion to drop the contingency grant altogether.

The report has recommended a lump sum payment towards contingencies in the case of the secondary schools on the basis of the contingent expenses actually incurred by a corresponding Sirkar school. Even this pittance of the reduced contingency grant proposed in the report for secondary schools is withheld completely in the case of primary schools, a proposal the reasonableness of which cannot be grasped by any stretch of imagination.

In the case of the secondary schools, the Managers find it hard to meet all the expenses, though a contingency grant of 10 per cent is granted to the lower secondary and a 12½ per cent to the high school. As stated elsewhere even with the contingency grant, the aided secondary schools stand no comparison with what is so lavishly spent on Sirkar schools. The report states that ample provision has been made for the P. C. R. works which amount to Rs. 100 in the case of an Upper Secondary school. I know as a matter of fact that expenditure under this head in the Sirkar High School, Trichur, comes to over Rs. 300 for the current year; and this is a fair estimate of what is generally spent on other Sirkar secondary schools as well. Instances of trained and untrained teachers referred to in the report with regard to the difference in the payment of contingency grant, betrays a want of grasp of existing conditions or even an unwillingness to probe into the real state of affairs. This will become clear when it is pointed out that both trained and untrained teachers reach the maximum only by annual increment at present. The Committee has also recommended that continuation of the fee concession be extended to the pupils of the backward and depressed classes without providing for any compensation to be paid to the managers of private institutions. This proposal is unjust involving as it does a serious loss to the latter and I therefore, propose that the recommendations of the Statham Committee be accepted in this connection. The Statham Report says:—"We do not consider it reasonable that the Government should insist an aided management granting fee concessions to backward and depressed class pupils unless they are prepared to compensate fully the aided managements for the loss of fee income incurred and we recommend, therefore, that in the case of fee concessions which are insisted on by the Government full compensation by any grant-in-aid should be made by the Education Department". I also take strong objection to the proposed reduction in the stipends now extended to the pupil-teachers under training as this will make the lot of the unfortunate teachers more miserable.

Even under the grant-in-aid rules now obtaining in the State the Managers find it very hard to pay the teachers and meet the various items of expenditure incidental to the efficient running of their schools. If the proposals suggested in the report are given effect to, it will involve even greater hardships on the managers, as is evidenced from the figures given above; and it will eventually spell the extinction of a great majority of schools. Such proposals, if carried out, will not further education in the State; on the contrary, it will inaugurate an era of educational retrogression with all the consequent social evils attendant on it. Besides, it must be remembered that private schools were started and maintained under the distinct understanding that the principles and

policy of Government regulating grant will continue and that the Government could be trusted to keep up its promise and honour. Thus the interests of the managers of aided institutions form a "sacred trust" of the Darbar, whose watch-word is "Honour is Our Family Treasure".

The statement in the report (page 81, para 100) that "the fundamental principle in which the system was conceived and introduced with all possible safeguards was that the aid to be received from Government was simply to supplement the income from other sources and not that Government should meet practically the whole expenditure of the school", is a mere assumption and falsified by explicit pronouncement in the very blue book which has evidently been taken as authority for this. This is what Sir Banerjee has stated in unmistakable terms in his Proceedings dated 12th March 1911, R. O. C. 422/86 in para 15. "Elementary education having been declared free so far as it is imparted through the medium of the Vernacular it necessarily follows that all elementary schools under private management which conform to the Code and follow the curriculum are entitled to aid if they levy no fees. The effect of the grant-in-aid rules will be in all such case to pay the managers the full cost of expenditure except of course in the case of those schools which have got subscriptions, interest on endowments, grants from mission, etc. Secondly, in addition to the payment of salary grant the Darbar are now prepared to make good any difference that may arise between the income and the expenditure even after taking into consideration the salary grant as part of the income. In cases in which the salary grant allowed is sufficient to meet the deficit the total grant admissible will be limited to that amount and in case the salary grant being added to the other items exceeds the expenditure it will be curtailed to the extent that is required to cover the difference between the income and the expenditure". How preposterous the verdict of the Committee is in the face of the above is self-evident.

The contention in the report that "A study of the condition in the neighbouring State of Travancore will dispossess every one of the belief that the high percentage of literacy in Cochin is directly the result of the elastic system of grants", para 14, is another of the sweeping assertions. An honest study of figures shows that at the time of the introduction of the Code and the "elastic system of grant" the number of students in the Sirkar and aided schools was 35,000 respectively. There was a phenomenal rise in the number of aided schools and the students attending these. By 1906 the number of students in private schools had gone up to 1,07,000, while that in Sirkar schools to a bare 45,000. The figures for the aided schools thus witnessed a 300 p. c. increase, while that of Government schools a mere 30 p. c. If this is not the outcome of the "elastic system of grants" one wonders what it is. Why quote Travancore instance when the figures of Cochin speak for themselves?

Different scale of Pay to Sirkar and Aided School teachers.

Another very unsatisfactory feature in the Report is the recommendation to adopt different scales of pay to teachers in Sirkar and aided Secondary Schools. The lower scale proposed in the case of the latter will entail very great hardship on them, increase the existing discontent and finally undermine their morale. The greatest asset of aided service in Cochin so far has been the equality of treatment meted by the Sirkar between its own employees and those of private agencies the correct recognition of the most elementary principle of equal wages for the same work. If administrators in Cochin could recognise this just principle in days gone by, it is quite unwarranted on the part of the Committee to suggest a departure from this just and time-honoured practice.

This invidious distinction is certain to react morally also on the aided school teacher. If this proposal of different pay for the same work be accepted the aided school teachers will sink lower in social esteem and this will add to their discontent. Obviously enough of this discontented and demoralised army of teachers will have to be entrusted with running about 75 p. c. of the schools in the State. Let the salary of teachers both Sirkar and aided be by all means raised; but raised on an equal and not on a preferential basis for Sirkar school.

“Education is a public service of the utmost national importance whatever be the actual agency employed in imparting it; and it is the duty of every civilised Government to see that even private agencies keep up a minimum standard of efficiency.” Private institutions will indeed find it unable to maintain their present state of efficiency which is the pride of our State as testified to by Mr. C. Matthai, retired Director of Public Instruction, if the proposals to have a lower scale of pay to teachers in aided service and to reduce grant, be accepted by Government.

Control of Management of Private Schools.

The private agencies can be divided into two classes, *viz.*, (1) those whose financial burden is lightened by receiving a part contribution from the Government as grant-in-aid, and (2) those that bear the entire financial burden themselves without receiving any help at all from the Sirkar in the shape of building grants; or furniture and other equipment grants; or staff grants. Of the latter class, there are 28 Lower Secondary Schools for boys out of a total of 34 in the State; and six High schools, four of which are Boys' schools and two Girls' schools. The figures in the report regarding the number of unaided high schools are incorrect. Too much stress cannot be laid upon the great relief on the State Exchequer on account of the labour of love of the Philanthropic bodies who run these unaided institutions, especially when the large outlay required to run Sirkar secondary schools is taken into consideration. The point receives greater force when it is remembered that for the last 3 years the Government had to incur a net loss of about Rs. 24,670 annually in running a single Sirkar institution, *viz.*, the Sirkar High School, Trichur. Thus it will be conceded that it is not a small amount that the management has to find to maintain a secondary school.

Nobody can question the propriety of the policy by which the Government exercise some control and supervision in financial matters also over the institutions for whose maintenance the management has to depend partly on grant; but Government interference with the managements in financial matters of unaided schools, is quite unjustifiable. The Government of course have a duty to see that proper education is given in these as well as in aided schools on the lines laid down in the Education Code and the Syllabus prescribed from time to time. The Inspecting staff and the Director of Public Instruction should, therefore, have full supervisory and controlling powers in the matter of the qualification of the teachers, the curricula of studies, the method of teaching, etc., of both the aided and unaided recognised schools. But the Committee's recommendation that the Managers should appoint teachers only from out of an approved list of qualified teachers and that the latter be given the right of appeal to the Director in case their services are dispensed with, are quite unjustifiable and do not obtain elsewhere.

The Madras and Travancore Governments have duly recognised the necessity of giving a wide latitude of powers to Managers of private institutions; and have, in their Education Code, given them a free discretionary hand to make all domestic arrangements regarding the teaching staff, including appointments, leave, suspensions, dismissals and fines. In the matter of appointments, the managements are empowered to enter into special covenants with their employees. A copy of the agreement which forms Appendix 28 of the Madras Education Code is given as an annexure to this memorandum. (Appendix 21).

The system and practice obtaining in the neighbouring State of Travancore and in Madras, having conditions similar to those in Cochin, may be adopted here as well with advantage to the Government and the managements alike; and thus private agencies be encouraged and greater stimulus given to their philanthropic efforts, instead of leaving the way, for scraping the private institutions and augmenting the drain on the Government finances by creating the necessity for starting Sirkar ones in lieu thereof.

The Inspectorate.

I do not agree that the inadequacy of the department supervision of the schools in the State, is due to the fact that the present work of the Inspecting

Officers is too much for them to cope with. There was a time when the Director himself, though the most heavily worked officer in the department, attended to the passing of all grant bills, in spite of the fact that there were a greater number of schools then. Subsequently, according to the recommendation of the Special Finance Committee, this power was delegated to the Inspecting Officers and their number and staff strengthened. Since then there has been a fall in the number of schools and, the Committee recommends a still further reduction in their number both by amalgamation and abolition.

In British Malabar for 840 Girls' schools there are only 8 Inspecting Officers, each having over a hundred schools in her jurisdiction. The number of boys' schools an Inspector has to visit there is one-third more than this number. In Travancore each Inspector has to supervise the work of about 110 schools. We have in Cochin 8 regular Inspecting officers, besides the Superintendent of Languages, an Industrial Inspector and one Handicraft Inspector who all enjoy the same powers and privileges of an Inspector. A proper distribution of schools among them will give to each less than 60 schools to visit and supervise. Thus there is no justification whatever for the proposal in para 120 of the report to appoint two more posts of Deputy Inspectors.

Religious Instruction.

This question is of supreme importance to Catholics and in fact it is the solicitude which they feel for religious instruction to be imparted to their children that has impelled them to make such enormous financial sacrifice in the way of both capital and recurring expenditure and participate in the educational work of the State by opening so many private schools.

Canon Law which is recognised all over the civilized world as the personal law of Catholics, insists that in all Catholic educational institutions religious instruction must be given suitable to the age of the children. No Catholic educationist can ignore this paramount duty of giving instruction in Religion to Catholic pupils.

Nor is the necessity of imparting moral and religious instruction maintained by Catholics alone. Now, more than ever, there is a general consensus among thinking persons of all classes on the need of such education for the young. We are all familiar with the remark of the great Duke of Wellington that instruction in the 3 R's should be accompanied by that in a fourth R (Religion) to avoid a fifth R or Rascaldom. The same idea is expressed by Lord Irwin, the present President of the Board of Education in England and late Viceroy in India, condemning the system of Godless education favoured in some countries.

The attitude of the Catholic church in this matter has been correctly appraised in several countries such as Scotland, Holland and Belgium where facilities have been made even in public schools for the religious point. Mr. Banerjee in a Press Communique dated 24th February 1908 suggesting measures for the improvement of education has the following in this question. "In the schools managed by churches religious instruction is part and parcel of the day's programme and so long as it is limited to a reasonable time the policy of the Government should be to encourage it." In England Denominational schools or schools under private management and supported by public funds have freedom to give religious instruction either during the first or during the last hour of the day's time-table.

Cochin, which has been throughout its history a land of religion, will do well to emulate the practice of these advanced countries and give religious and moral instruction a prominent place in the time-tables of schools; so that a sense of their importance may be cultivated in the minds of the children and reverence for religion and moral principles fostered in their hearts and minds from a very early age.

In this connection it may be recalled till recently the imparting of religious instructions was allowed in Catholic schools in

the State during class hours without interfering with the hours of work set aside for secular teaching and without in any way affecting the religious susceptibilities of pupils of other creeds. This system worked satisfactorily all along and it is, therefore, very much to be deplored that it was disallowed by a recent departmental circular. Nor has the Committee made out a case for discountenancing this practice. The Committee's objection to the imparting of religious instruction within school hours is based on the ground that the pupils in our schools belong to various creeds and denominations. But this has been the feature of our school population throughout and was not felt as an impediment to the teaching of religion within school hours for a very long time. The following quotation from the Report of the Travancore Educational Committee page 197—198 will throw some light on this question. "The attitude of the Government of India and of the Provincial Governments towards religious instruction has undergone very considerable change in the last twenty years. Prior to 1911, the Government took the attitude that there should be a strict neutrality and that no religious teaching should be given in any departmental or publicly managed school. Now, however, in most provinces, religious instruction is permissible in all classes of schools, and, in some provinces, the provision of religious instruction is actively supported by Government. In Bihar and Orissa, for example, religious instruction within school hours is obligatory in all departmental and non-denominational schools, provided that the attendance at such instruction is with the express permission of parents. The necessity for the provision of religious instruction for Mahomedan pupils is now commonly recognised in British India. Further, nearly all the reports of educational surveys made recently in India have recommended encouragement to religious instruction within certain limitations. In Travancore, the present position is that religious instruction outside school hours is permitted in all schools managed by private bodies and that special facilities for Koranic introduction are accorded to Mohomedan pupils.

As we have stated elsewhere, we are strongly of the opinion that some form of religious instruction is an essential part of sound character-forming education. We recommend, therefore, that, subject to certain safeguards, religious instruction should be encouraged by Government. In the case of pupils of a particular denomination, the present system of permitting religious instruction outside school hours may be continued, though we consider that where the large majority of pupils in a denominational school belong to one denomination, religious instruction within school hours should not be objected to provided the management can satisfactorily adjust their time table of secular studies. Either the period immediately after the mid-day break or the last period of the day might be utilised. But, it should be understood that the pupils of other denominations should be set free during such a period."

The Medical Inspection of School.

I am in agreement with the view that the scheme of Medical Inspection as at present worked, cannot be considered a success inasmuch adequate attention is not directed towards the question of following up and treating the cases inspected; but in my opinion this fundamental defect in the system cannot be remedied to any appreciable extent by merely transferring the present work of Medical Inspection to Honorary and Aided Dispensary Doctors. This will only serve to divide responsibility among a large number of medical men, the State at the same time losing the benefits of the valuable experience gained so far by the two medical graduates already in the line. The control that the Head of the Medical Department would be able to exercise over those Honorary and Aided men would be very ineffective. In fact, the experiment of entrusting the work of medical inspection to local medical men was at one time tried and found unsatisfactory, mainly owing to want of co-ordination and effective supervision of their work.

The present system of medical inspection can be made more beneficent to the public, if the Government accept the suggestions of Dr. A. R. Menon as given in course of his oral examination by the Committee and recorded in the minutes of the meeting held on 29th Vrischigam 1109. He says that the Doctors in local rural dispensaries and all medical practitioners are to be entrusted with

the work of inspecting children even in Elementary schools. They would evince a greater interest in the work and by this treatment of children can also be provided for. He recommends that the Inspectors must supervise the work of these local men; I would add that the work of medical inspection be transferred to the Public Health Department, as this would contribute to its greater efficiency. In this connection I may be permitted to quote from a letter C.2291/09, dated 5th April 1934 from M. R. Ry. F. S. R. Menon Avl., D. P. H., D. T. M., D. T. H., Director of Public Health, Cochin Government.

"As the medical inspection of school children is intended more as a preventive measure than on the curative side, it is only reasonable that this item of work is transferred to the Department of Public Health and done under the supervision of the Director of Public Health. This can be effected very easily by transferring the medical Inspectors to my Department and by making the necessary provision for their pay and other charges in my departmental budget."

The abolition and amalgamation of schools.

The main report has recommended the abolition of certain schools, the amalgamation of some and the lowering of the standard of a large number. The Committee in the earlier stage had accepted the principle that those schools which had strength and accommodation were to be left alone, and not subjected to the pruning knife. In its proposal to abolish some schools this agreed principle seems to have been coolly ignored. Further, one of the complaints about the Survey Report was that in proposing abolition and amalgamation, local opinion was not adequately sounded and the merits of each case not entered with. The same complaint may be preferred against the Committee recommendation also. Even when the Committee personally studied the local condition, it may be that every shade of local opinion was not consulted, and opportunity not given to the aided authorities to express their view. There are cases where the Committee has simply overlooked genuine local opinion and it may be gauged about disputed cases before final orders are issued. On the question of abolition and amalgamation the main policy of retaining aided schools in preference to Sirkar schools has to be kept in view. Further in the event of the Government deciding on abolition and amalgamation adequate compensation has to be made to the private bodies concerned, and the teachers thus affected should be provided for. The Committee had agreed upon this line of action in the course of its deliberations; but failed to incorporate it in the report. I am giving below the names of schools unreasonably included in the list to be abolished or amalgamated. These are a few among them.—

1. St. Joseph's Girls' School, Trichur
2. St. Mary's School, Trippunittura
3. St. Mary's School, Sn. Chittur
4. St. Antony's School, Panangad
5. St. Joseph's School, Karamuck
6. Sri Ramavarma Memorial School, Kunnankulam
7. St. Thomas' School, Palayannur

In this connection I may point out that the same principle of amalgamation which the Committee applied with regard to the Pudukkad and Chalakkudy Government Schools may be applied to the Government school, Pazhayannur also.

Training Institution.

1. The Principal of the Government Training Institution was all along classed with the Inspecting Officers in the matter of pay and prospects. In raising the minimum pay of Inspecting Officers from Rs. 200 to Rs. 250 no mention is made in the Report of the claims of the present Principal. In view of the fact that his work will increase consequent upon the proposed reorganisation, it is but just and fair that he be given a grade of Rs. 300 to 400.

2. The Physical Director of the Training Institution should be asked to visit all the Secondary schools periodically and render them any assistance or

advice which they may stand in need of (vide D. P. I's Report of the Survey). The report has failed to make note of this; and I would, therefore, suggest that he be entrusted with this work of supervision also and given an enhanced remuneration of Rs. 110 to 150 which is the grade of pay of a Deputy Inspector.

Conclusion.

I have in the preceding pages attempted to present a correct and impartial view of the several problems relating to education in the State raised by the Cochin Educational Survey and the report of the Committee. The unwise policy of disturbing the existing machinery of education; the grave responsibility involved in the curtailment of the present rates of grants which will undermine the aided agency; the unjustifiableness of creating an invidious distinction in the pay of the two sections of our service, aided and Sirkar; the unwillingness to allow the imparting of religious instruction within school hours a privilege conceded by the Government long ago—these and other grave considerations made it difficult for me to subscribe in toto to the main report. Wherever I have differed from it, I have taken pains to substantiate my position by references to facts and figures and the pronouncements of eminent men. The Report has shown scant courtesy to the considered views placed before the Committee by the Cochin Catholic School Managers' and Cochin Aided School Managers' Association as well as those of the ecclesiastical dignitaries and distinguished educationists of the State. Without a due consideration of their views, no proper settlement of the future of our education seems to be possible.

(Sd.) Fr. EDAKOLATHUR,

8th April 1934.

SEPARATE NOTE BY MR. K. AYYAPPAN, B. A. AND M. L. C., MEMBER, THE EDUCATIONAL SURVEY REPORT COMMITTEE.

I am of opinion that the educational policy of the State must be more to bring education within the easy reach of the average citizen than make it efficient merely. The State may make education as efficient as its finances permit, but it should find finance to give some schooling at least to every one of its citizens. The over anxiety for efficiency that has been evident in our educational reforms has greatly been responsible for the present costly nature of our education. It cannot, however, be said that it has been for the improvement of education. It has made education a process of mere teaching rather than learning. Our students now do not learn but are taught passively. They do not prepare but are prepared for examinations. Even our College education is such a soul killing process now. It is high time to cry halt to this process of making parrots of human beings by growing in cages called schools and Colleges. Schools and Colleges with their teachers and professors must be merely to initiate students into the art of learning and afford them opportunities and help for study. It will then be possible for the State to educate a much larger number of students with much less expenditure than at present. In any case educational reforms has to now aim at making education cheap to the citizen even at the risk of making it very costly to the State. Educational expenditure has grown to an unbearable extent in the family budget of the average citizen. This state of affairs if allowed to continue unmitigated, is bound to give a set back to the growth that education has made in the State. I would in this connection suggest a substantial reduction in the school and College fees at least till the present depression is over. A cutting down of the number of the text books also is highly necessary and I think it can be effected without any prejudice to the real interests of education.

I do not agree with the proposals in the main report for a differentiation in grades of pay of the aided and the Sirkar teachers and reduction of the grants-in-aid. The two classes of teachers equally serve the interests of the people and the responsibilities of the Government in the matter of education and have to be remunerated equally. If at all any fair differentiation is made it may be made to the advantage of the aided teachers, who are serving the State without any

prospect of pension which their brethren in the Sirkar service have. It is a well known fact that the poor aided teachers get only what the Government give as grants-in-aid to managements. No effective devices have yet been found out to make the managements pay the teachers the contribution expected of them under the grants-in-aid system. So there is no justification for the reduction of grants as proposed in the report. The proposal is clearly unfair both to the teachers and the noble interests they serve in the State. I agree with the ideal set up in the Director's report that private agency should be gradually eliminated in the Primary Education of the State. As long as private agency is retained in education especially primary education the unhealthy communal and sectarian influence will be marring the educational life in the State. So the State has to assume the entire management of the primary education eventually. The State has therefore to be prepared to bear the entire financial burden also of primary education. I fail then to understand why the Government should shirk the responsibility of paying the teachers in the transition stage. I would therefore recommend that the present rate of grant at least may be continued till the State is in a position to assume the entire management of the primary education.

I do not again agree with the view taken in the main report on co-education. As the Director has clearly made out experience has proved that there is no practical difficulty to adopt co-education in the State. The report is unjustifiably against the principle of co-education and recommends it only as a method of retrenchment. I am of opinion that co-education is a necessary social reform and has to be adopted in all the stages of the education.

I do not think that the reasons advanced against the compulsory education being adopted here are convincing. They are based on a misconception as to the necessity and utility of compulsion in education. Compulsion is resorted to as a means of eradicating illiteracy all at once entirely. The advocates of compulsion are not prepared to have any section of people illiterate even for a single decade. Compulsion is not a method to be postponed. It has to be adopted immediately and may be given up after its object i. e., universal literacy is attained.

I have to express my thanks to Mr. Marayil Krishna Menon for his most generous suggestion in one of our meetings to make the College education free for the poor students of the backward communities. The Committee has kindly adopted the suggestion but has qualified it slightly by restricting the concession to deserving students. I would earnestly suggest that the concession may be given to all poor students of the backward classes. I am also grateful to Mr. C. L. George for suggesting to the Committee to recommend some scholarships for technical studies for candidates from the backward classes.

3—9—1109.

(Sd.) K. AYYAPPAN,

DISSENTING MINUTE TO THE REPORT OF THE EDUCATIONAL SURVEY COMMITTEE.

1. With reference to the paragraph relating to the abolition of the Upper Secondary Classes in the Girls' High Schools, for want of sufficient strength, while I endorse the general views of the Committee, I want to urge on the Government not to apply this rule to institutions wherein such abolition will adversely affect the education of Muslim girls of the locality.

2. With regard to the paragraph relating to poverty certificate I have to submit that so far as the Muslims are concerned the existing order of the Government allowing the Muslim students to get the poverty certificates from respectable Muslim persons of the locality may be maintained.

3. With regard to religious instruction in schools during school hours, though the Legislative Council has turned down a resolution on the subject, I out of sense of duty to my own community which places a premium on religious instruction along with a course of secular education, have to dissent from the majority opinion of the Committee. The provision for religious instruction during regular class hours will be in my opinion, a strong incentive for the

Muslim parents to send their children to schools. I would therefore strongly recommend to the Government to provide necessary facilities for religious education for the Muslim students in the schools during class hours.

4. Since my suggestion regarding the leave to be granted to the Muslim students on Fridays, was not accepted by the Committee I take this opportunity to bring it to the kind notice of the Government.

At present leave is granted only to the Muslim students with the result that they lose the benefit of instruction during the absent hours. I suggest that in future on Fridays a general leave for the whole institution be given from 11—45 a. m. to 2—30 p. m. which time can be made good either by beginning the classes earlier in the morning or by extending the class hours in the afternoon session. I hope that the Government will give serious consideration to the above proposal.

28th March 1934. (Sd.) SULAIMAN ABDUL RAHIMAN.

I am entirely in agreement with the views expressed by Very Rev. Father Mathew Edakolathur in his dissenting minute, in regard to the following points:—

1. I fully appreciate the various arguments advanced by the Rev. Father in favour of continuing the present Grant-in-aid system in tact, and I feel it my duty to stoutly oppose any change in the existing system, as it would adversely affect the Muslim education in the State.

2. I am also strongly opposed to the proposed adoption of different scales of pay in the case of teachers, in Sirkar and Aided secondary schools.

3. In the case of schools, recognised, but not financially aided by Government, it is my view that the management should not be interfered with, in the matter of appointing teachers and dispensing with their services. The management may be insisted upon to enter into agreements with individual teachers on terms acceptable to the parties concerned.

4. In the case of admission of the students of the backward and depressed classes and in extending fee concession to them, I hold that the authorities of the Aided schools should be compelled to continue the present policy hereafter also. But I consider it only fair and proper that the Government should compensate the loss, if any, incurred thereby.

5. I agree with the Rev. Father in thinking that the management should be given the liberty to impart religious education during class hours. For the reasons I have already mentioned in my individual minute of dissent, in this connection, I think it would be also desirable to appoint a special hand for the purpose of inspecting and directing the teaching of Koran in all the schools in the State.

6. In the matter of abolishing or amalgamating schools, the policy of the Government ought to be to retain aided schools as far as possible. Where they are suppressed, compensation should be paid.

7. In conclusion, I may be permitted to refer to para 120 of the main report where mention has been casually made of the post of a Muslim Deputy Inspector of Schools. Such an appointment is absolutely necessary for the progress and development of Muslim education in the State. I therefore strongly recommend that one of the posts of the Deputy Inspectors should always be reserved for a Muslim.

COCHIN,

9th April 1934.

(Sd.) SULAIMAN ABDUL RAHIMAN.

SEPARATE NOTE BY MR. C. L. GEORGE, B. A., B. L., (M.L.C.),
MEMBER, EDUCATION SURVEY COMMITTEE.

I have had the benefit of perusing the elaborate minutes of dissent recorded by the Rt. Rev. Mgr. Edakolathur. I have only to state that I am in perfect agreement with every one of the views and arguments expressed therein, on the various issues raised by him excepting in regard to what is contained in the Chapter on "Control of Management of Private Schools." In regard to medical inspection of schools, although we are agreed on the necessity of continuing the present system in some form or other I have thought it necessary to record my views separately.

On the large number of points on which I agree with Monsignor Edakolathur I feel I have very little more to add which could be considered useful. With a long and unquestionable array of facts and figures Mgr. Edakolathur has made out an assailable case in favour of giving greater impetus and encouragement to aided schools in the State as well as in favour of discountenancing the recommendations contained in the main report regarding reduction of grants and according differential treatments to aided school teachers. I deem called upon to record my emphatic protest against any attempt either to reduce grant or to give a lesser scale of pay to the aided school teachers. The recommendations contained in the main report in regard to both these points are not only unsound and unsupported by any principle but I would with due deference to my colleagues who have taken the opposite view, consider it as revealing an utter disregard of the valuable services rendered to the cause of education in the State by the large body of aided school teachers. The attempt made in the main report to enhance the emoluments of the Sirkar School teachers in the Secondary Department while in the same breath the name of economy is evoked to hit at the poor aided school teachers in both ways, makes it difficult for me to persuade myself to the belief that these recommendations are the outcome of a mere paternal solicitude in the welfare of the poor tax-payer. In all earnestness I would warn the Government against the serious consequences to the cause of education in the State, that would follow the acceptance of the retrograde step as recommended in the main report in regard to grant-in-aid and differential pay to aided school teachers. The practical effect of accepting these two recommendations as contained in the main report would be to bifurcate the Education Department into the 'Depressed Section' and the 'Elevated Section.' Unless and until Government make up their mind to eliminate aided agency altogether from the land by a well schemed policy of gradually making their existence intolerable, such a course would be suicidal. Before I leave these two points I would also emphatically repudiate the claim made in the main report that the recommendations made therein in regard to these two points are the majority view. I have ascertained the views of Messrs. K. Ayyappan and Sulaiman Abdul Rahiman on these two points and I am informed that they hold stronger views against reducing grant or meting out discriminating treatments to aided school teachers than Mgr. Edakolathur or my humble self. If that be so the report is a clearly divided one in regard to both these points and no side could claim to be in a majority. The claim of the President to have a casting vote in a matter like this in my humble view untenable. To my thinking in a matter like this where the Committee is asked to investigate into certain problems and submit their views to the Government, there is neither scope for voting nor for exercising the casting vote. The views held by the President, however weighty, are under such circumstances entitled to be regarded only as one individual's view and not two. I would go a step further and maintain that if precedence is ever to be assigned to any one set of views, ours should be allowed to prevail as against the so-called majority view, in as much as ours is cent per cent non-official view.

In regard to the question of "Control of Management of Private Schools" I entirely disagree with the claims made by the Rt. Rev. Monsignor representing the Managers' Association, to have the free right of dispensing with the services of teachers without departmental interference. I regard the security of tenure of teachers working in these aided schools as a potent factor in the healthy working of the system. Under no circumstances should a teacher be allowed to be sent away without the previous sanction of the Department. The Government that give the major portion of the wages must be the deciding

factor to determine whether the employee is to continue or not. Repeated instances of abuses of even the doubtful powers of dispensing with the services, which the managers of aided schools had till now, has made me take this determined view on the question. In this matter I am in entire agreement with the recommendation contained in para 115 of the main report and I regard the safeguards contained therein as quite ample to meet with both sides of the question. Institutions that are recognised but not aided may however be treated differently. The Government cannot claim there to be the wage-giver and cannot therefore with fairness interfere with the financial management of such institutions. In such cases the management may well be left to recruit teachers on purely contractual basis in regard to future appointments. Even there departmental sanction must be made a condition precedent for finally dispensing with the services of a teacher otherwise than on the basis of the terms of agreement entered into with open eyes by the teachers concerned.

While I am on this question of the relationship between teachers and managers I desire to draw the attention of the Government to one fact which has been brought to my notice several times and which has been dealt with rather casually in para 111 of the main report. I honestly believe that the tone, status and position of aided schools as a class could be much bettered if only the Government would insist on proper standards in financial position, character and educational qualifications, before any particular gentleman is accepted as the manager of an aided school. Proper standards must be fixed by notification or otherwise and hereafter none should be elevated to this position of vantage unless the department is fully satisfied with the accomplishments of the aspirant. From my little experience I can boldly assert that the recent tendency of the department to accept anybody and everybody as a manager has gone a great way to undermine the status and dignity of aided school managers as a class. Mere benamidars for teachers, undischarged insolvents and in stray cases even persons 'waned' have been accepted as managers. Profiteering and malpractices of all kinds have been the inevitable result. Bickerings with the teachers to begin with and then with department followed in its logical sequence. The department and a section of the public naturally started abusing the aided school managers as a class forgetting that a very large measure of blame and discredit could be directly laid at the door of these new entrants who have been indiscriminately dubbed managers. The vast body of aided school managers doing honest work without any idea of remuneration and for a noble cause thus come to be unnecessarily discredited for no fault of theirs. I would therefore maintain that this state of affairs could be remedied by insisting on better standards in the future managers of our aided schools.

On the question of teaching English hereafter in all the Upper Primary classes of the Elementary schools as a subsidiary subject I think it would be more fruitful to start such teaching even from the lowest class. It would not involve any additional expenditure or dislocation of work as all the teachers are hereafter to be complete School Finals quite competent to teach English in any one of these Primary classes. It may not be possible to teach much of a foreign language in such lower classes, but it would in my humble view be much better to start giving them a grounding even from the lowest classes.

I am in entire agreement with the observations contained in the separate note of Mgr. Edakolathur regarding some of the recommendations contained in the main report in the matter of abolition and amalgamation of some of the schools. I could not for one moment understand how it could be an economy measure to abolish Primary schools that are functioning with the necessary strength, accommodation and efficiency. The abolition of such schools would naturally entail on the Government the duty of providing the staff and accommodation for the same set of students elsewhere as the students in these schools have necessarily to be given free elementary education somewhere. The recommendation for the abolition of the St. Mary's Primary school, South Chittur, is an instance in point. The reason alleged for such a course is that there is another Sirkar Primary school in the close vicinity. Strangely enough the St. Mary's School has better strength and better accommodation than the Sirkar

Primary school which is conducted in a rented building quite insufficient even for the present purpose not to think of conducting a combined school there. Under these circumstances even if one of them has to go, one would have naturally expected the recommendation to be to abolish the Sirkar school considering the question of comparative costs at least. It is also a phenomenon to be reckoned that the entire quota of depressed class students from the locality now patronise the aided school in preference to the Sirkar school. I would also protest against the recommendation to abolish the Upper Secondary Forms in the St. Joseph's Girls' High School, Trichur. In British India almost enormous sums of money are being expended in the cause of Anglo-Indian education. In our State there are only two Anglo-Indian institutions properly so called the St. Teresa's Convent High School, Ernakulam and the newly started St. Joseph's High School, Trichur. These institutions do not receive from the State anything of the kind of help and patronage which similar institutions receive elsewhere in British India. There are orphanages attached to both these institutions and none could deny the great usefulness of the work done by these two institutions in that direction. Apart from Anglo-Indian interests the knowing public attach a very great value to the special training given to our girls in these two institutions which accounts for their great popularity in the places where they are situated. I regard that for a growing town like Trichur with the number of its wealthy merchants ever increasing an institution of the type of the St. Joseph's Girls' High School is an absolute necessity. If the great national value of the special training received by our girls in such institutions had been properly appraised I am sure the Committee would never have made any recommendation which would retard the natural growth of such a useful and desirable institution.

I am unable to agree with the majority recommendations regarding medical inspection of schools. It is an astounding proposition for me to hear that such an eminent authority best qualified to speak on the subject as the Chief Medical Officer could have suggested to the Director that the scheme of medical inspection may be abandoned (Vide para 169 Survey Report). The advantages of an efficient and properly designed system of medical inspection in schools could not be over-estimated. Nor could anybody, having any interest in the building up of the future citizens of the State, afford to ignore the great potentialities of this beneficent institution. In every civilised country the only question that is heard mooted is how best it could be made more and more useful. The idea of scraping it is therefore entirely novel and I could not persuade myself to the belief that the Chief Medical Officer could have been in any degree serious when he made the above suggestion to the Director. I am justified in these observations by the remarks of the Chief Medical Officer himself so kindly submitted for the consideration of the Committee, a good portion of which is rightly extracted and included in the majority report. Far from suggesting the abandonment of the scheme, the Chief Medical Officer has been pleased to offer very many valuable suggestions towards improving the scheme and making it more beneficial to the public.

I am in perfect agreement with the view expressed in several quarters that the present scheme of medical inspection is not complete in itself in as much as hardly any provision is made nor attention directed towards the question of following up and treating the cases inspected. But in my humble opinion this fundamental defect in the system could not be remedied to any appreciable extent by merely transferring the present work of Medical Inspection to Honorary and Aided Dispensary doctors however numerous they may be. This will only serve to diffuse responsibility among a larger number of medical men, the State at the same time losing the benefits of the valuable experience gained so far by two medical graduates already in the line. The control that the Head of the Medical Department would be able to exercise over these Honorary and Aided men would be rather nominal. It may be noted in this connection that medical inspection of schools in the State was, to start with, done by two senior Assistant Surgeons in the regular medical service who were specially deputed for that work. The experiment of distributing the work to a larger number of men entrusting the work in a particular locality to local medical men was next

tried and found unsatisfactory. The present system of two independent men carrying on the work must therefore be deemed to have evolved out of mature experience gained from working the system for a considerable length of time. I would therefore maintain that rather than go back on a system that has been discovered to be unworkable and futile, it would be more proper for us to attempt to improve on the present system with a view to making it more practically beneficial to the public.

I think the great fallacy in the recommendations made by the majority report lies in ignoring several of the functions that have to be performed by these Medical Inspectors. The various functions of the Medical Inspector as I understand them are:

(a) To examine and find out physical defects, if any, among students and bring them immediately to the notice of the parents or guardians with a view to the taking of remedial measures by them.

(b) To give First Aid lectures to the students of the High School classes so that they may have a rudimentary knowledge of First Aid, Hygiene, Physiology and other allied subjects.

(c) To examine and detect cases, if any, of contagious diseases among the students and enforce their segregation with a view to safeguard the health of the other students.

(d) To supervise and insist on maintaining a healthy and sanitary surrounding in the various schools of the State.

Critics of the system while loudly decrying the first part of their function as being productive of no direct benefit to the individuals concerned, very often under-estimate the usefulness of the other aspects of their activities. I am certain that there cannot be two opinions in regard to the question whether local Medical Officers or independent Medical Inspectors as at present constituted, would be more competent to discharge the last three of their functions as indicated above. Local, aided or honorary doctors who have necessarily to be victims of local environments and local influence would not be able to enforce, the necessary sanitary standards or the segregation of students afflicted with contagious diseases with the same amount of rigour or impartiality as a full-time Medical Inspector with the status and dignity of an Assistant Surgeon could do. In the field of First Aid Lectures local or honorary men who are mostly L. M. P's. would not be anywhere by the side of these medical graduates who have already gained considerable experience in the subject and who being full time officers are likely to bestow better attention and study on the subject.

The only aspect therefore in which the present system can be assailed is, as already pointed by me, by contending that the system is not perfect in itself as the detection of a disease is not invariably followed up by treatments necessary to combat it. Although there is considerable force in this contention my answer is that the remedy for this lies not in ushering in an already condemned system but in devising ways and means to make the present system perfect in itself. With due deference to the views of technical men who may perhaps be more competent than myself to pronounce an opinion regarding the subject I venture to place the following humble suggestions to remedy this state of affairs. Medical Inspectors should be asked to maintain a separate register for each school wherein they should enter in detail each defective case noted in the course of the inspection. A duplicate of the same register should be made available at the Headmaster's office. It should be made obligatory on the teachers concerned to take all persuasive steps with the parent or the guardian to see that every case requiring treatment is treated at a proper hospital or dispensary. It should also be made obligatory on the part of the parent or the guardian to undertake these treatments in any of the recognised institutions far or near. Either disciplinary action against the student or coercion of the parent or guardian through effective legislation may become necessary to enforce this obligation on the latter. Instructions should be issued to all the hospitals and dispensaries in the State either Sirkar or Aided, Ayurvedic or Allopathic, to afford special facilities to give

free treatment to the student population of the State. They should also be asked to maintain separate registers in regard to the treatment of school children wherein the various stages of progress and attendance in regard to each student treated will have to be noted. If found necessary an allowance may be given to the Medical Officers concerned for doing the extra work indicated above. It should then be the proper function of the Medical Inspector to check the various cases previously noted by him with the aid of these registers and examine the progress made at the various stages of treatment. He should also be empowered to enquire and find out cases where treatment was either not resorted to or not continued to the stage of recovery. In every such case it shall be his duty to recommend the delinquents for disciplinary action to the proper authorities concerned according as the delinquent is either the teacher, the student or the parent or guardian. The work of medical inspection should thus proceed in its dual aspect inspecting new cases as well as effectively watching the progress of treatment in regard to old cases already discovered. I have ventured to state only the bare outline of this scheme and I leave the details to be worked out by those who are actually in it. I have no doubt that these humble suggestions of mine are at least worthy of being given a trial and wish to add the success of the scheme would mainly depend on the imagination and sympathy with which the details are to be laid out by the authorities concerned. Such a system would not only disarm all the existing criticism against the present system of medical inspection but would also be conducive to the production of substantial improvement in the health of the coming generation. The officers engaged in the work would also get the real status and dignity of genuine Medical Inspectors instead of the present awkward position of being, unclaimed by the Medical Department, unwanted by the students and guardians and regarded as a thorough-going nuisance and unnecessary interference by the school authorities.

(Sd.) C. L. GEORGE.

14th April 1934.

APPENDIX I.

TERMS OF REFERENCE.

1. The existing organisation of Education.

A. NUMBER OF SCHOOLS.

1. Bearing in mind what is written in section II of the report (The number and distribution of schools) is it possible and advisable to reduce the number of (a) Primary and (b) Secondary Schools; and if so, to what extent?

B. BUILDINGS AND EQUIPMENT.

2. Should effect be given to all or any of the recommendations contained in section III of the report which deals with Buildings and Equipment?

3. If it should, in view of the fact that it will probably not be possible to allot any considerable sum from the existing revenues for the purpose of implementing the recommendations, is it preferable

- (i) to frame a programme for giving effect to the recommendations over a period of years by means of such funds as it may be possible to allot for the purpose, or
- (ii) to impose fresh taxation with a view to giving effect to the recommendations forthwith?

4. If fresh taxation is to be imposed, what form should it take and on what should it be levied?

C. STAFF.

5. Is it desirable that in future nobody should be employed as a teacher unless he possesses a teacher's certificate? (Paragraph 55).

6. Is it desirable to abolish the half-time system and to appoint teachers in all classes? (Paragraph 56.)

7. Is it desirable to give effect to the recommendations contained in paragraph 57 regarding the teaching of technical subjects?

8. Should the pay of teachers in the primary and secondary departments be immediately raised? (Paragraph 58 (a)). If so, on what basis?

9. Should a certain number of 'selection grade' appointments be created for the benefit of teachers who have no chance of being promoted? (Paragraph 58 (b)). If so, how many of such posts should be created?

10. Should the incremental period of Headmasters be reduced to 5 years? (Paragraph 58 (c)).

11. Should the pay of Specialists be raised? If so, on what basis?

12. How is the extra expenditure involved in Nos. 6, 7, 8, 9 and 10 of the terms of reference to be met? If by fresh taxation, what form should it take and on what should it be levied?

D. CURRICULA OF STUDIES.

13. Do the existing curricula of studies require revision? If so, on what lines?

14. Is it desirable to increase the course of elementary education from four to five years?

E. GRANTS-IN-AID

15. Bearing in mind the rates of grant-in-aid in Travancore and in Madras and any special circumstances which exist in Cochin, are the present rates of grant-in-aid too high?

16. If so, are the rates proposed in paragraphs 74 and 75 reasonable?

17. Is it desirable to make it a condition of the grant of aid that a school should have a permanent income from endowments, etc., equal to one-fourth of the anticipated expenditure?

18. Would a possible result of a reduction in the rates of grant-in-aid be a reduction in the number of aided schools? If so, how is this reduction to be met? If by creation of new Government schools, how is the additional expenditure to be met?

F. MANAGEMENT OF AIDED SCHOOLS.

19. To what extent should Government interfere in the management of aided schools? (Paragraphs 76 and 77.)

G. THE INSPECTORATE.

20. Is it desirable to create a new grade of Deputy Inspectors as proposed in paragraph 99?

21. Should the arrangements suggested in paragraphs 99, 100 and 101 for the inspection of schools be adopted? How is the cost likely to compare with that now incurred?

H. MISCELLANEOUS.

22. Should the proposals regarding Female Education, Adult Education, the Education of the Backward Classes, Muslim Education, Nambudiri Education, Vocational Education and Special Schools be adopted so far as finances permit?

I. RELIGIOUS INSTRUCTION.

23. Should religious instruction be given in schools? If so, how should it be imparted and subject to what conditions?

J. MEDICAL INSPECTION.

24. Is the present system of medical inspection satisfactory? Should it be revised and if so, in what way?

2. The new policy suggested for Primary Education.

A. GENERAL.

1. Subject to the conclusions reached by the Committee on the first part of the Terms of Reference, is it desirable further to revise the educational policy of the State with a view eventually to eliminate private agencies from any part in elementary education and to place elementary education in the hands of local bodies? (Paragraphs 118 and 119).

It will be remembered that Sir Albion Banerji in inaugurating the present policy wrote "So long as there is a demand for Sirkar schools, it has to be met as far as possible; but the department should endeavour to encourage private management and secure the co-operation of private agencies to the utmost extent by liberal and sympathetic policy; *otherwise it will be difficult to find the ways and means to finance educational institutions under Sirkar management on a very extensive scale.*" The question is whether it is now desirable to abandon that policy for the policy of placing elementary education entirely in the hands of local bodies as recommended in the report. In deciding that question the following factors will have to be considered:—

(i) Is it desirable to establish (a) a Board of Education to advise the Director of Public Instruction?

(b) Local School Boards to manage and finance elementary education?

(ii) How is the new policy to be financed?

B. BOARD OF EDUCATION.

Subject to whatever recommendation is made on the general question it is necessary to consider in detail the constitution and powers of (1) the proposed Board of Education and (2) the proposed Local Boards.

(a) Constitution.

1. What should be the numerical strength?

2. Should there be any qualification for membership? If so, what?

3. Should the Board consist of (1) elected, (2) nominated and (3) ex-officio members? (Paragraph 84). If so, what should be the proportion which each class of members should bear to the total number?

4. If some of the members of the Board are to be elected

(a) what should be the qualification of the electors?

(b) for what term should members be elected?

5. Is it desirable to make special provision for the representation of the interests mentioned in paragraph 89 on the Board? If so, should such representation be effected by nomination or by some special method of election? If by election, what method should be followed? Should any other interests be similarly represented?

6. Should the Director of Public Instruction be the ex-officio President of the Board?

7. Should all the members of the Board be selected by Government at first? (Paragraph 89). If so, for what period should this continue?

(b) Powers.

1. Should the Board be purely advisory in character (paragraphs 92 and 94) or should it have any executive functions?

2. Should the Board be invested with all or any of the powers enumerated in paragraph 93?

C. LOCAL SCHOOL BOARDS.

(a) Constitution

1. Is 28 a suitable number for Local Boards bearing in mind the duties and powers to be assigned to them?

2. Is the jurisdiction suggested in paragraph 123 for each Board suitable?

3. Are the Boards to be *ad hoc* bodies or are they to consist of the existing "Panchayats themselves in temporary union", as suggested in paragraph 129 with possibly some ex-officio members? (Paragraph 125).

4. What should be the strength of the Boards?

5. Should the Boards consist of elected, ex-officio and nominated members and should they have a pronounced popular and elected majority? (Paragraphs 123 and 125). What proportion should each class of members bear to the whole?

6. Should the Boards be empowered to elect their own Presidents? (Paragraph 125).

7. Should all the members of the Boards be selected or nominated by Government in the first instance? (Paragraph 129).

8. If the Boards are to be entrusted with the power and duty of raising funds for Primary Education, is it possible and desirable to give such powers and impose such duties on wholly nominated bodies?

(b) Powers.

1. If Elementary Education is eventually to be entirely in the hands of the Local Boards (paragraph 110), the preliminary question arises whether the powers of the Boards are to be conditional or absolute; *e. g.*, will a Board have the power to determine educational policy within its jurisdiction so far as elementary education is concerned or will the policy be dictated by Government for the whole State and the Boards merely implement that policy. This question is of considerable importance with reference to the arrangements to be made for financing elementary education in future. If the view of the report is accepted (paragraphs 110 and 127 (12)) the power and duty of raising funds for financing the new policy will fall on the Local

Boards. It has then to be considered whether the policy itself should not be dictated by the Boards in their respective areas. This may, however, involve different and possibly conflicting educational policies in different parts of the State. (The financial aspect of the question is dealt with in more detail in the section dealing with "Finance".)

2. Subject to the decision on question 1 are the powers and duties proposed for the Boards in paragraph 127 reasonable and sufficiently comprehensive?

D. FINANCE.

At present there are in the State 539 elementary schools of which 133 are managed by the Government at a cost of Rs. 3,73,573 and 406 are managed by private agencies and aided by Government at a cost of Rs. 4,26,678. If the management of all the elementary schools now managed by private agencies were eventually to be taken over by Local Boards and maintained at a similar cost to that now incurred by Government on the management of its own schools an additional annual expenditure of Rs. 3,38,570 would have to be met. This could not be met from the existing revenues of the State. Bearing this in mind three possible courses of action have to be considered.—

- (1) To reduce the number of elementary schools.
- (2) To reduce the cost of management.
- (3) To raise the increased funds required by additional taxation.

1. Is it desirable to reduce the number of primary schools? If this course is adopted, it would presumably necessitate a reduction in the number of children to whom elementary education could be given.

2. Can the cost of management be reduced and if so, to what extent and by what means? (In considering whether it will be possible to reduce the cost of management below the amount now spent by Government it must be borne in mind that the Director of Public Instruction has pointed out that even the existing Government schools and their equipment leave much to be desired (paragraphs 41, 42, 45, 46 and 47). The Director suggests (paragraph 116) that economy might be effected by reducing teachers' pay since when the schools are managed by Local Boards they will be staffed by men who are resident in the villages in which the various schools are situated. This suggestion must be considered in conjunction with the recommendation in paragraph 58 (a) that the pay of teachers employed in the Primary Department should be immediately raised.

3. Will it be possible and desirable to raise the additional funds required by fresh taxation? If so, should such taxation be imposed by Government on the whole State or by the Local Boards within their respective jurisdiction? If the taxation should be imposed by the Local Boards should the Boards have the power to reduce the number of schools as an alternative to imposing the taxation?

What form should the taxation take and on what should it be levied?

(The amount to be raised on the basis of the present cost of Government Primary schools amounts to nearly twice the estimated yield of the Income-tax).

APPENDIX II A.

PERSONS TO WHOM THE QUESTIONNAIRE WAS SENT.

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|-----------------------------------------------------------------------|--------------------------------------------------------------------------|
| 1 All non-official M L C's | 20 Mrs. K M George, Inspectress of Schools, Trichur |
| 2 Presidents of Village Panchayats | 21 Sry. A Devaki Amma, Deputy Inspectress of Schools |
| 3 Chairmen of Municipalities | 22 Mr. T P Verghese, Principal, Government Training Institution, Trichur |
| 4 The President, Cochin Teachers' Association | 23 „ K Raman Menon, Headmaster, High School, Ernakulam |
| 5 The President, Aided Primary Teachers' Association | 24 Mr T Kunjuni Menon, Headmaster, High School, Vadakkancheri |
| 6 The President, Cochin Women Teachers' Association | 25 „ S V Venkitachala Ayyar, Headmaster, High School Nemmara |
| 7 The President, Aided School Managers' Association | 26 „ C K John, Headmaster, C M S, High School, Trichur |
| 8 The President, Catholic Managers' Association | 27 Rev. Fr. Pullokarani, Headmaster, St. Thomas High School, Trichur |
| 9 The President, Primary Teachers' Association | 28 Sry. V K Droupathi Amma, Headmistress, V G H S, Trichur |
| 10 The Protector of the Depressed Classes | 29 Mrs. A Velayudha Menon, Headmistress, G H S, Ernakulam |
| 11 The Chief Medical Officer | 30 The Headmistress, Sacred Heart's Convent School, Trichur |
| 12 The Director of Public Health | 31 Sister Teresa, Headmistress, Convent High School, Ernakulam |
| 13 The Chief Engineer | 32 Mr. K Narasimha Pai, Principal, Maharaja's College, Ernakulam |
| 14 The Superintendent of Economic Survey | 33 „ K Karunakaran Nayar, Professor, Maharaja's College, Ernakulam |
| 15 The Superintendent of Vernacular Education | 34 „ P S Ramakrishna Ayyar, Professor, Maharaja's College, Ernakulam |
| 16 The Registrar of Panchayats | |
| 17 Mr. K A Doraswamy Ayyar, Inspector of Schools, Southern Division | |
| 18 „ L S Subbaraya Ayyar, Inspector of Schools, Northern Division | |
| 19 „ K A Ayyadural Ayyar, Ag. Inspector of Schools, Southern Division | |

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|----|----------------------------------------------------------------------------|----|------------------------------------------------------|
| 35 | Mr. P Sankaran Nambiyar, Professor, Maharajah's College, Ernakulam | 62 | H. H. Rama Varma Appan Tampuran, Trichur |
| 36 | T K Sankara Menon, Professor, Maharajah's College, Ernakulam | 63 | Mr. T D George, Retd. Headmaster, Trichur |
| 37 | Mr. G R Narayana Ayyar, Professor, Maharajah's College, Ernakulam | 64 | „ E K Ayyakutti, Trichur |
| 38 | H. H. Kerala Varma Tampuran, Professor, Maharajah's College, Ernakulam | 65 | „ Kannampta Koojuani Nayar, Trichur |
| 39 | Mr. N K Ramachandra Ayyar, Professor, Maharajah's College, Ernakulam | 66 | „ S F Nunes, Trichur |
| 40 | Mr. T K Krishna Menon, Ernakulam | 67 | Rev. Fr. Panjikaran, Trichur |
| 41 | „ A Madhava Prabhu, Ernakulam | 68 | Mr. Abimelak, Metropolitan of Malankara |
| 42 | Dr. A Krishna Menon, Ernakulam | 69 | Mr. E Gopala Menon |
| 43 | Dr. Augustine Kandathil, Archbishop, Ernakulam | 70 | „ C S Sadasiva Ayyar, Chittur |
| 44 | Mr. Thomas Manjuran, Ernakulam | 71 | „ Parakkat Vasu Menon, Chittur |
| 45 | „ L M Pylce, Ernakulam | 72 | „ P Narayanan Nayar, Nemmara |
| 46 | „ M S Menon, Ernakulam | 73 | „ Chondath Krishnan Unni Mannadiyar, Chittur |
| 47 | „ Joseph Manjuran, Headmaster, St. Albert's High School, Ernakulam | 74 | „ Ankarath Nannu Mannadiyar |
| 48 | Fr. Jacob Naduvathusseri, Ernakulam | 75 | „ C V Job, Kunnankulam |
| 49 | Dr. Angel Mary Perez, Cochin, Archbishop of Verapoly | 76 | „ P Sankunni Menon, Kunnankulam |
| 50 | Mr. N Sredhara Menon, Ernakulam | 77 | „ Manakulam Mukundan Raja, Kunnankulam |
| 51 | Sreemathi V K Lakshmikutty Neithiramma | 78 | Dr. C C Chakkunni, Kunnankulam |
| 52 | Sry. T Devaki Amma, Trippunithura | 79 | Mr. C V Subramani Ayyar, Ponnani |
| 53 | H. H. The 5th Prince, President of the Ele. Vernacular Education Committee | 80 | „ K Kunjunni Kaimal, Paravoor |
| 54 | Mr. Elias Hallegua, B A Cochin | 81 | „ Kochaniyan Raja, Cranganur |
| 55 | Mr. N Padmanabh Menon, Cranganur | 82 | „ Manappattu Kunju Mohammed, Cranganur |
| 56 | The Thachudaya Kaimal, Irinjalkuda | 83 | „ V K Raman Menon, M A (Oxon) |
| 57 | Mr. Komath Govinda Menon, Irinjalkuda | 84 | „ V K Raman Menon, Headmaster, Chennamangalam |
| 58 | Rao Sahib C Mathai, Trichur | 85 | „ K Krishna Pisharody, Trichur |
| 59 | Rev. Fr. Palokaran | 86 | „ Mathoor Vasudevan Nambudiripad |
| 60 | Mr. C Achyutha Menon, Trichur | 87 | „ K Mohamed, Kattur |
| 61 | „ Francis Vazhapoly, Bishop of Trichur | 88 | „ V K Achyuta Menon, Trichur |
| | | 89 | „ P I Ravi Kaimal |
| | | 90 | „ T M Satchit, Cochin |
| | | 91 | „ C A Kunjunni Raja, Trichur |
| | | 92 | „ M P Antony, Narakkal |
| | | 93 | Deputy Inspectors |
| | | 94 | The Secretary, All India Women's Conference, Trichur |

APPENDIX II B.

List of witnesses.

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|----|---------------------------------------------------------------|----|-----------------------------------------------------------------|
| 1 | Mr. K Narasimha Pai, Principal Maharajah's College | 21 | Mr. C K Jobn, Headmaster C M S, High School, Trichur |
| 2 | „ K A Ayyadurai Ayyar, Inspector, Southern Division | 22 | „ E K Ayyakutti, Retired District Judge |
| 3 | „ P Krishna Menon, Ernakulam | 23 | Mrs. K M George, Inspectress of Schools |
| 4 | Mrs. A Velayudha Menon, Headmistress, G H S, Ernakulam | 24 | Sy. V K Droupathi Amma, Headmistress V G H S, Trichur |
| 5 | Dr. A P Francis, Medical Inspector | 25 | Mr. P Kumaran Ezhuthassan |
| 6 | Mr. K Raman Menon, Headmaster, H S, Ernakulam | 26 | Representatives of the Cochin Teachers Association |
| 7 | „ C I Ittymathew, Deputy Inspector of Schools, Ernakulam | 27 | Primary Teachers' Association |
| 8 | The Manager, St. Alberts' High School, Ernakulam | 28 | Mr. V K Achyuta Menon, Superintendent, G T, School |
| 9 | Mr. M K Raman, M L C, Ernakulam | 29 | Swaminath, Industrial Inspector |
| 10 | „ K Krishna Kurup, Headmaster, G T, School, Ernakulam | 30 | „ T Kunjunni Menon, Headmaster |
| 11 | „ Kanavillil Narayana Menon, President, Cheranellur Panchayat | 31 | „ L S Subbarava Ayyar, Inspector of Schools N Division |
| 12 | Dr. A R Poduval, Ernakulam | 32 | „ A Krishna Warriar, Deputy Inspector of Schools, Vadakkancheri |
| 13 | „ Mahomed Ali do | 33 | Representatives of the Catholic Managers' Association |
| 14 | Mr. Khader Kutty do | 34 | Mr. K P Karuppan |
| 15 | „ P S Anantanarayana Sastri, Maharajas' College | 35 | „ T P Verghese |
| 16 | „ K Kesavan Nayar do | 36 | „ V Subramania Ayyar, Deputy Inspector, Irinjalkuda |
| 17 | Dr. A R Menon, Municipal Chairman, Trichur | 37 | „ K Madhava Menon do do Trichur |
| 18 | Mr. C R Iyyunni, Trichur | 38 | „ S V Venkitachala Ayyar, Headmaster |
| 19 | „ V K Narayana Menon, Medical Inspector | 39 | Representatives of the Aided Primary Teachers' Association |
| 20 | „ V R M Chohan, Protector of Depressed Classes | 40 | „ Aided School Managers' Association |
| | | 41 | „ Cochin Women Teachers' Association |
| | | 42 | Sy A Devaki Amma, Deputy Inspectress |

APPENDIX III.
THE EDUCATIONAL SURVEY COMMITTEE.

Notes of visit—Date.....

<p>1 Name of school; year in which started</p> <p>2 Number of classes</p> <p>3 Whether intended for special classes</p> <p>4 Management—its nature and stability</p> <p>5 Accommodation:— (a) Sufficiency (b) Building own or rented, permanent or semi-permanent (c) Number of rooms or maximum capacity (d) Vacant site in school premises for increased accommodation</p> <p>6 Is the management prepared to provide increased accommodation if necessary?</p> <p>7 Names of neighbouring schools and their relative distances</p> <p>8 Villages served by the school and their respective distances from it</p>	<p>Prep. cl IV cl III cl II cl I Total</p> <p> a—b a—b a—b—c a—b—c</p>
<p>9 Strength—Depressed class pupils:</p> <p>10 Attendance—Depressed class pupils</p> <p>11 Amount of grant drawn in</p> <p>12 Classes not in receipt of aid</p> <p>13 Any special points:—</p> <p>14 Remarks by member</p>	<p>1105 1106 1107 1108</p>
<p>Inspecting Officer Member Headmaster</p>	

APPENDIX IV.

LIST OF SCHOOLS AND VILLAGE LIBRARIES VISITED.

<p>1 M S Velianad</p> <p>2 Rural District School, Velianad</p> <p>3 M S Arakunnam</p> <p>4 M S Karikode</p> <p>5 Church Girls' School, Mulanthuruthy</p> <p>6 M M S Kanjiramattom</p> <p>7 M S Kanjiramattom</p> <p>8 M G S Amballur</p> <p>9 St Francis Primary School, Amballur</p> <p>10 Pattarya Samajam School, Perumpilli</p> <p>11 M S Kanayanoor</p> <p>12 Mar Ostaticus Malayalam Primary School, Kadungamangalam</p> <p>13 Co-operative L S School, Kadungamangalam</p> <p>14 St. George's School, Tairuvankulam</p> <p>15 M D M S Karingachira</p> <p>16 Union Malayalam Girls' School, Karingachira</p> <p>17 C E Z M School, Trippunithura</p> <p>18 E S Thekkumbhagom</p> <p>19 St Francis School, Puthiakavu</p> <p>20 St Mary's Girls' School, Trippunithura</p> <p>21 St. Augustine's Boys' School, Pnykoodam</p> <p>22 St. Monica's Girls' School, Thykoodam</p> <p>23 Jews School, Ernakulam</p> <p>24 M I V P S, Ernakulam</p> <p>25 St. Augustine's English School, Ernakulam</p> <p>26 St. Francis Church School, Ernakulam</p> <p>27 Holy Infant Jesus Primary English School, Ernakulam</p> <p>28 M S Thoosam</p> <p>29 St. Xavier's Boys' School, Kalur</p> <p>30 St. Joachim's Girls' School, Kalur</p> <p>31 M S Karanakodam</p> <p>32 Little Flower School, Kalur</p>	<p>33 M S. Kalur</p> <p>34 L M C Boys' School, Chathiath</p> <p>35 L M C C Girls' School, Chathiath</p> <p>36 English School, Vypeen</p> <p>37 St. Mary's Lower Primary Malayalam School, Murikumpadam</p> <p>38 Little Teresa's Girls' Primary School, Ochanthuruthy</p> <p>39 Infant Jesus L S Girls' School, Ochanthuruthy</p> <p>40 St. Peter's School, Kurisimkal</p> <p>41 Sree L S S Vernacular Primary School, Ochanthuruthy</p> <p>42 Santa Cruz L S School, Ochanthuruthy</p> <p>43 St. Ambrosus' Malayalam Primary School, Edavanakkad</p> <p>44 English School, Edavanakkad</p> <p>45 L S School, Edavanakkad</p> <p>46 Hidayathil Islam School, Edavanakkad</p> <p>47 S P Sabha School, Edavanakkad</p> <p>48 Infant Jesus Primary School, Vaduthala</p> <p>49 M S, Vattathiparamba</p> <p>50 Thattayam School, Vaduthala</p> <p>51 M S. South Chittur</p> <p>52 St. Mary's School, S. Chittur</p> <p>53 St. George's School, Gothuruthy</p> <p>54 St. Mary's School, Gothuruthy</p> <p>55 St. Joseph's Boys' School, Chathedom</p> <p>56 H I J Girls' School, Chathedam</p> <p>57 M S, Azhikode</p> <p>58 Sisu Vidya Poshini School, Chathedom</p> <p>59 Balanu Boshini School, Methala</p>
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- 60 H S, Cranganur
61 G H S, Cranganur
62 L S School, Eriyad
63 Little Flower School, Lokamaleswaram
64 C E Zenana Mission School, Kurkancheri
65 G V Sanskrit School, Kurkancheri
66 St. Teresa's School, Kapimangalam
67 Palisseri Aided School, Ollur
68 Chevoor Church Aided School
69 Karayogam Aided School, Perumanam
70 C M S, Oorakam
71 Odas School, Oorakam
72 D M L S S, Panankulam
73 Convent L S School, Irinjalakuda
74 Girls' High School, Irinjalakuda
75 St. Antony's L S School, Pudukad
76 M S, Pudukad
77 M G School, Pudukad
78 L F S, Malore
79 M G S, Ollur
80 M S, Panamkuttichira
81 Convent L S G S, Ollur
82 C S Church School, Che'akkottukara
83 C M S P G E School
84 C M S Patish Boys' School
85 St. Joseph's Convent School, Chengal
86 St. Sebastian's L S Kanjoor
87 St. Sebastian's Boys' Primary School, Kanjoor
88 St. Mary's Girls' School, Kanjur
89 Sakthan Thampuran Memorial School, Putheyedam
90 M S, Vellarapilli
91 Fishery School, Edacochi
92 St. Peter's High School, Kumbalangi
93 V P Y S, Illical, Kumbalangi
94 St. George's L. S S, Pazhangad
95 M S, Vaduthala
96 Coronation Memorial School, Kumbamkulam
97 H C English Primary School for Girls
98 St. Mary's School, Manicheri
99 (Church of God R School) Raja Sir Sri Rama Varma Memorial School, Kunnamkulam
100 C M S Boys' Parish School
101 C M S Girls' School
102 Union Vernacular School
103 Alathur School
104 St. Thomas School
105 M J D L S, School
106 M J D S V, Primary School
107 L F, School, Vaduthala
108 St. Mary's Convent School, Mattom
109 St. Francis L S S, Mattom
110 M S, Choorakattukara
111 D V High School, Velur
112 K V S, Parlikad
113 Chelakara High School
114 L F L S School, Chelakara
115 S D S, Kunnathara
116 A S, Kunnathara
117 M G S, Pazhayannur
118 L S S, Pazhayannur
119 M S, Ottupara
120 M G S, Aranattukara
121 L S Sc, Aranattukara
122 St. John's School, Aranattukara
123 Adipuranda School
124 Kairadi School
125 M S, Thiruvazhiyad
126 L N Sanskrit School, Nemmara
127 M G S, Nemmara
128 S S Vallanghi
129 Bharatha Vilas School, Vithanasseri
130 H M S, Thattamangalam
131 Bazaar School, Thattamangalam
132 M G S, Thattamangalam
133 L S School, Thattamangalam
134 M S, Ambattapalayam
135 M S, Kozhinjampara
136 A V School, Kozhinjampara Aided School, Athikode
137 M S, Vannamadai
138 Ramavarmapuram Pudur School
139 M G S, Nellapilly
140 L S School, Nellapilly
141 G School, Nellapilly
142 Village Library Nellapilly
143 H S, Chittur
144 S P S, Iulaya School, Kumbalam
145 S R V S M Girls' School, Kumbalam
146 St. Mary's School, Kumbalam
147 V L S S, Panangad
148 St. Antony's School, Panangad
149 M S Udayattumvadukkal
150 St. Mary's Boys' School, Chalakkudi
151 M G S, Chalakkudi
152 V P School, Kathikodam
153 Sacred Heart's Convent Girls' School, Chalakkudi
154 H S, Chalakkudi
155 St. George's L S S, Pariyaram
156 St. George's M S, Pariyaram
157 St. John's Baptist Mission Girls' School, Pariyaram
158 St. George's Branch School, Padinjattummuri
159 St. Joseph's School, Parathuparamba
160 M S, Kadupasseri
161 A S, Pullur
162 M G S, Mukundapuram
163 M S, Mukundapuram
164 C M S, Irinjalakkuda
165 M S, Karupadanna
166 M S, Vellangallur
167 S S Sabha School, Poovathisseri
168 M S, Adoor
169 M S, Mala
170 K F S, Kombodinjamakkal
171 Lab M S, Perumpilavu
172 L S S, Elankunnapuzha
173 St. Joseph's Malayalam Boys' School, Karthedom
174 A H M G S, Karthedom
175 M S Elankunnapuzha
176 H S, Narakkal
177 M S, Cherai
178 St. Rockey's M S, Pallipuram
179 S S, Arya School, Pallipuram
180 B V R, Sabha School, Cherai
181 St. George's Syrian Catholic School, Chennamangalam
182 A V M U H S, Cherai
183 M G S, Cherai
184 Vernacular School, Kizbur
185 St. Joseph's School, Karamuk
186 S N G S, Karamuk
187 E G S, Anthikad
188 K G M S, Anthikad
189 St. Thomas C. G. S, Kanjani
190 M S, Arimpur
191 Sara Village Girls' School, Chettupuzha
192 St. Anne's P G S W, Fort, Trichur
193 Village Library, Chelakattukara
194

APPENDIX V.

Statement of receipts and expenditure under various heads.

Year	Total receipts— Ordinary	Total expenditure— Ordinary	Expenditure under several heads											Percentage of expen- diture under Education to the total revenues
			Land Revenue	Agriculture and Panchayats	Excise	Forest	Tramway	Medical and Sanitation	Public Works	Law and Justice	Police	Railway	Education	
1083	33'5	37'5	2'1	..	1'6	4'4	5'0	1'0	3'9	1'4	0'8	3'6	1'4	4'2 per cent
1086	43'5	35'5	1'6	..	1'7	3'5	1'5	2'6	4'7	1'6	0'9	3'2	2'0	6'4 per cent
1089	47'1	44'1	2'2	..	1'9	3'7	1'2	5'8	5'9	1'9	1'1	3'7	4'3	9'1 per cent
1092	46'4	43'5	2'0	0'5	1'8	2'8	1'2	3'1	5'8	1'9	1'1	4'0	5'5	11'8 per cent
1095	63'2	59'5	2'0	1'3	2'2	1'9	1'5	3'9	11'9	2'1	1'2	6'1	7'9	12'5 per cent
1098	74'6	74'8	2'3	2'0	2'7	2'4	1'4	2'9	11'2	2'4	1'9	18'0	9'2	12'3 per cent
1101	71'7	65'0	2'3	2'	2'8	1'9	1'7	3'4	10'7	2'4	2'1	7'2	11'6	16'2 per cent
1104	91'1	73'4	2'	2'8	2'9	3'2	1'1	2'7	11'8	2'5	1'9	8'8	12'	13'9 per cent
1107	89'4	83'0	3'0	4'1	1'2	2'2	1'2	4'9	14'0	3'0	2'1	9'1	15'5	17'4 per cent
1109 B.E.	87'0	86'6	3'0	3'7	1'3	2'4	1'0	5'9	15'0	2'9	2'2	8'4	16'6	19'1 per cent

APPENDIX VI A.

Statement showing the expenditure under the various branches of education.

Year	Total expenditure on Education		Percentage of expenditure on—to the Net expenditure				
	Gross	Net	Direction and Inspection	Collegiate Education	Secondary Education	Primary Education	Miscellaneous
1083	Rs. 1,36,956	Rs. 83,626	11'4%	4'5%	29'0%	50'3%	4'8%
1086	2,78,827	2,08,725		Not available			
1089	4,30,689	3,24,025	11'4	3'3	12'1	56'5	16'7
1092	5,50,428	4,10,517	9'5	3'0	11'9	61'8	13'8
1095	7,85,444	5,93,311	7'3	2'5	11'8	64'3	14'1
1098	9,18,306	6,29,269	7'6	3'1	14'7	69'2	5'4
1101	11,61,116	8,58,601	5'5	9'2	15'6	64'5	5'2
1104	12,67,885	9,57,587	5'4	5'2	17'8	67'4	3'9
1107	15,45,485	12,12,499	6'6	6'7	18'3	63'4	5'0

APPENDIX VI B.

Statement of expenditure under various branches of education.

	Total receipts of Government	Gross expen- diture on education	Percent of expen- diture to total Rev.	Net expenditure on education	Direction and Inspection		Collegiate		Secondary		Primary		Miscel- laneous					
					Amt.	P. C. to net	Amt.	P. C. to net	Amt.	P. C. to net	Amt.	P. C. to net	Amt.	P. C. to net				
					Cochin 1107	89'37	15'45	17'2	12'12	8'6'6	per cent	8'2'6	7	per cent	2'2	18'3	7'7	63'5	per cent	6'4'9	per cent
Travancore 1107	2'0'91	45'14	20'6	36'81	1'9'2	5'2	per cent	2'4'8	6'7	per cent	4'6'9	13'0	26'1	70'9	per cent	1'6'1	4'2	per cent
Mysore 1931—32	360'8	69'01	19'1	62'32	5'8'1	9'3	per cent	6'77	10'8	per cent	13'31	21'3	22'07	35'4	per cent	14'42	23'2	per cent
Baroda 1930—31	262'1	34'84	13'3	31'83	1'9'6	6'1	per cent	8'5'2	6	per cent	3'30	10'3	20'22	63'4	per cent	5'50	17'6	per cent

* These include the amount spent on Vernacular Secondary Schools.

APPENDIX VII.

Number of Institutions.

Year	College			Upper Secondary			Lower Secondary			Primary			Total
	S.	A.	U.	S.	A.	U.	S.	A.	U.	S.	A.	U.	
1083	1	..	...	7	6	2	14	19	6	55	181	1111	1408
1089	1	...	...	8	6	..	21	11	...	130	149	1040	1366
1095	1	1	..	19	9	..	34	27	...	157	272	576	1096
1101	1	2	...	22	13	..	37	51	..	162	346	289	923
1107	1	2	...	25	19	...	36	66	...	166	466	289	1072

S=Sirkar.
A=Aided.
U=Unaided.

APPENDIX VIII.

Strength of Upper Secondary forms and net expenditure in Sirkar Girls' High Schools.

	Year	Strength			Net expenditure		
		VI F.	V F.	IV F.	Rs.	as.	ps.
G. H. S., Cranganur	1107	15	20	19	11,753	10	11
	1108	15	12	17	10,318	12	10
	1109	12	12	15	Not available		
Do Ernakulam	1107	37	25	50	11,348	8	3
	1108	37	38	56	10,576	14	9
	1109	29	39	38			
V. G. S., Chittur	1107	13	8	14	**51,382	12	1
	1108	7	18	12	8,850	2	3
	1109	8	8	12			
G. H. S., Irinjalakkuda	1107	14	28	30	12,280	4	10
	1108	21	19	18	10,791	11	2
	1109	18	18	19			
V. G. S., Trichur	1107	37	50	32	11,127	12	3
	1108	59	44	56	9,397	4	2
	1109	70	65	49			
G.H. S., Trippunittura	1107	14	13	27	11,052	10	7
	1108	13	17	23	9,270	9	7
	1109	15	15	25			
Do Kunnankulam	1107	22	28	31	12,292	3	6
	1108	21	25	41	10,309	15	7
	1109	14	35	35			

** The cost of building and acquisition of site included.

APPENDIX IX.
Schools affected by concentration.

Serial No.	Name of school	Sirkar or private	How affected	Remarks
	<i>Cochin-Kanayannur Taluk.</i>			
1	M S Kanjiramittam	Sirkar	To be abolished	There is another school M M S, Kanjiramittam close by. There is no scope for two schools there
2	M G S Amballur	do	To be reduced to Lower Primary	
3	St. Francis School, Amballur	Private	To be fully developed Primary School	If the Manager is not prepared to put up extended accommodation, it should be reduced to Lower Primary, and a Sirkar fully developed Primary School started between 2 and 3 Both have requested that the schools may be taken over to Government. The Director of Public Instruction recommends the assumption of No. 4. The Committee do not think it necessary to assume management of either
4	Co-operative L S S, Kadungamangalam	do	To be continued as private	
5	Mar. Ostantious Primary School, Kadungamangalam	do	Do	
6	St. George's School, Tiruvankulam	do	To be reduced to L. Primary	Extended accommodation to be put up
7	E S Thekkumbhagom	Sirkar	To be fully developed Primary School	
8	St. Francis School, Puthiakavu	Private	To be reduced to Lower Primary	
9	S V S Thekkumbhagom	do	do	
10	C E Z M S, Tripunithura	do	To be fully developed Primary School	
11	St. Mary's School, Trippunithura	Private	To be reduced to L. Primary	Accommodation unsatisfactory
12	U M G S, Karingachira	do	To be amalgamated	The Director of Public Instruction recommends amalgamation
13	M D M S, Karingachira	do		
14	St. Monica's School, Thykoodam	do	To be considered as one for purposes of grant	The Director of Public Instruction recommends amalgamation. But this won't be feasible, as either school building will have to be extended. The strength and attendance on the day of the visit were respectively 206 and 198, 178 and 246 The Manager of the St. Albert's High School has consented to abolish or restrict the number of admissions in the Primary Department of his school. By this there will be scope for these schools
15	St. Augustine's School, Thykoodam	do		
16	St. Augustine's School, Ernakulam	do	To continue	
17	H I J, English School, Ernakulam	do	do	
18	M S, Thoosam	Sirkar	To be abolished	There is no necessity for this special school, especially since the valans have to quit the place
19	M S, Kaloor	do	To be retained as a fully developed Primary school	
20	Little Flower School, Kaloor	Private	To be reduced to lower Primary School	
21	M S, Karanakodam	do	To be reduced to lower Primary School	
22	St. Xavier's Boy's School, Kaloor	do	To continue as such	

Serial No.	Name of school	Sirkar or private	How affected	Remarks
23	St Joachiam's Girls' School, Kalur	do	To continue as such	The Director of Public Instruction recommends amalgamation of 22 and 23. Not possible The Director of Public Instruction recommends amalgamation. Not possible. Full strength in both schools. The strength and attendance on the day of visit were respectively 138 and 344; 305 and 1281
24	L M C, Boy's School Chathiath	Private	do	
25	L M C C, Girls' School, Chathiath	do	do	
26	E S, Vypeen	Sirkar	To be reduced to a Lower Primary school	There is free ferry service between Vypeen and Cochin The building quite insufficient. There is a Boys' Lower Secondary school at Ochanthuruthy. Girls were being admitted into the Boys' School before the starting of the Girls' School
27	Inf. Jesus L S, Girls' School, Ochanthuruthi	Private	To be abolished	
28	E S, Edavanakad	Sirkar	To be fully developed Primary School	
29	St. Ambrosius School (3 classes)	Private	To be reduced to Lower Primary	
30	L S, School, Edavanakad (only L S Dept.)	do	To continue	
31	Idayathul Islam Sabha School, Edavanakad	do	To be abolished or may continue as Lower primary	
32	S V V, Sabha School, Edavanakad	do	To continue	
33	Infant Jesus Primary School, Vaduthala	do	To be reduced to Lower Primary	
34	M S, Vattathiparambil, Vaduthala	Sirkar	To be fully developed Primary School	
35	Thathazham School, Vaduthala	Private	To continue as Lower Primary	
36	M S, Southern Chittur	Sirkar	To continue	
37	St. Mar.'s School, Southern Chittur	Private	To be abolished	
38	Pulaya School, Kumbalom	do	do	There is scope only for one school there. The one school to be a Sirkar school. Government should see that all castes are given admssion into the school
39	St. Mary's School, Kumbalom	do	To be reduced to L. Primary	
40	V L S S, Panangad	do	To continue as the central school	
41	M S, Udayathumvadjukal	Sirkar	To be reduced to Lower Primary	
42	St. Antony's school, Panangad	Private	To be a fully developed Primary school	
43	M S, Flankunnappuzha	Sirkar	To be abolished	There is a Sirkar L S school close by
44	St. Joseph's school, Chathedom	Private	To be considered as one for purposes of grant	The strength of No. 44 seems to be unreliable
45	H I H G School, Chathedom	do		
46	St. George's School, Gothuruthy	do	do	
47	St. Mary's School, Gothuruthy	do	do	

Serial No.	Name of school	Sirkar or private	How affected	Remarks.
48	M S Cherai	Sirkar	To be abolished	
49	E G S Cherai	do	do	
50	B V R Sabha School, Pallipuram	Private	To be continued provided the Management will improve the accommodation and building	There is only scope for one Lower Secondary School. No. 50 is better than No. 51 and hence it should continue
51	L S Araya School, Pallipuram	do	Lower Secondary to be abolished	
52	St. Rockey's School, Pallipuram	do	To be reduced to Primary	
53	St. George's L S School, Pazhangad	do	Lower Secondary Department to be abolished	In view of the L S Department of the St. Peter's High School, Kumbalanghi
54	M G S, Kumbalanghi	Sirkar	To be abolished	
55	St. Peter's High School, Kumbalanghi	Private	To remain as it is	Request to be taken up by Government need not to be considered as the management is willing to run it, if aid is given
56	St. Sebastian's L S School, Kanjur	do	To be amalgamated and located at Kanjur	There is scope only for one school at Kanjur. Amalgamation suggested by the Director of Public Instruction. The sisters of the Convent Lower Secondary School have agreed to start a Lower Secondary School at Kanjur making provision for the education of boys. This has to be done. As far as possible provision should be made for the existing teachers in Kanjur school
57	Convent L S School, Chengal			
58	S H M G S, Karthedom	do	To be considered as one for purposes of grant	
59	St. Joseph's M. B School, Karthedom			
60	Girls' High School, Trippunithura <i>Cranganur Taluk.</i>	Sirkar	U S Department to be closed	
1	Little Flower School, Lokamaleswaram	Private	To be abolished if the building is not shifted	The Inspector says that the Manager of the school has already been given notice to shift the building four furlongs inwards, failing which the school will have to be abolished
2	Sisu Vidya Poshini School, Methala	do	To continue as L Primary	The school building has already been improved
3	Girls' High School, Cranganur <i>Mukundapuram Taluk.</i>	Sirkar	Upper Secondary Department to be abolished	
1	M G S, Chalakkudy	Sirkar	May be handed over to the Church for management	The Church has agreed to take up the management

Serial No.	Name of school	Sirkar or private	How affected	Remarks
2	Padinjattumuri School	Private	To continue as a division of the neighbouring school, if there is sufficient strength for this separate division	There is only one class in the school
3	Parathiparanba School	do	To be reduced to L Primary	.
4	A S, Pullur	do	To be abolished	The Director of Public Instruction recommends abolition
5	V P School, Kathikodanm	do	To continue as L Primary	do
6	Aided School, Thazhakad	do	To be reduced to L Primary	do
7	St. Mary's School, Krishnancotta	do	do	do
8	Convent L S School, Irrinjalakkuda	do	To continue	
9	M S, Mukundapuram	Sirkar	{ To be amalgamated	The teachers in both the schools are ladies,
10	M G S, Mukundapuram	do		
11	M S, Karupadanna	do	To be reduced to L Primary	
12	SS Sabha School, Poovathisseri	Private	do	
13	M S, Pudukad	Sirkar	Management to be handed over to the Convent which is Managing M G S, in the same compound and both may be considered as one for purposes of grant	
14	Vadakkumbbagam School, Pulani	Private	To be reduced to L Primary	
15	St. Mary's School, Edakolam	do	do	
	<i>Trichur Taluk.</i>			
1	Palisseri School	Private	To be reduced to L Primary	
2	D M L S, School, Panamkulam	do	L S, Department to be abolished	
3	E G S, Anthikad	Sirkar	To be abolished	Accommodation bad
4	K G M School, Anthikad	Private	To continue	
5	St. Joseph's School, Karamuk	do	To be reduced to L. P.	
6	S V G S, Chettupuzha	do	do	
7	C M S, Boy's School, Trichur	do	{ To be considered as one for purposes of grant	
8	C M S, Girls School, Trichur	do		

Serial No	Name of school	Sirkar or private	How affected,	Remarks
9	St. Mary's Day School, Ambakad	Private	To be Lower Primary	This has been closed. May be revived as a L. Primary one.
10	Lower Primary School for Odas	do	To continue as L. P.	
11	St. Xavier's L. S. School, Karanchira	do	To continue	
12	M G S, Aranattukara	Sirkar	To be abolished	
13	Sirkar High School, Ollur	do	The strength of the Upper Secondary Department to be watched for some years	
14	St. Joseph's Convent G High School, Trichur	Private	Upper Secondary forms to be abolished	
15	E G S, Trichur	Sirkar	To be abolished	
16	M G S, Trichur	do	do	
17	Karayogam School, Perumanam <i>2alappilli Taluk.</i>	Private	To be reduced to Lower Elementary	
18	Sree Kama. Varma Memorial School, Kunnankulam	Private	To be reduced to Lower Primary	Formerly called the Church of God Ragged School—building is very bad
19	Union Vernacular Primary School,	do	To be abolished	Strength very poor
20	M J D L S, School, Kunnankulam	do	Lower Secondary Department to be abolished	No Form III. The other forms have low strength. High School, Kunnankulam 2 furlongs distant
21	Little Flower School, Vaduthala	do	To be reduced to Lower Primary	
22	K V S, Parlikad	do	do	
23	M G S, Pazhayannur	Sirkar	To be abolished	
24	A V S, Kunnathara	Private	do	
25	L S, School, Pazhayannur	do	To continue	
26	Sambhavar Day School, Pazhayannur	do	To continue under the management of No. 8	
27	Labour School, Perimpilavu	do	To be an Upper Primary school	
28	M U M S, Perimpilavu	do	To be reduced to L. Primary	
29	Vernacular School, Kizhur	do	To continue as L. Primary	
30	Aided Girls' School, Aiyur	do	do	The Director of Public Instruction recommends abolition (P. 11 of the Report).
31	V P School, Kurumala	do	do	do

Serial No.	Name of school	Sirkar or private	How affected	Remarks
15	Aided School, Paravur	Private	To continue	The Director of Public Instruction recommends abolition. (P. 11 of the Report)
16	Aided School, Perumthuruthu	do	To be reduced to L. Primary	do
17	St. Thomas' School, Pulayanoor	do	do	do
18	Aided School, Venur	do	To continue as L. Primary	do
19	do Thonurkara	do	do	do
20	D V School, Kondazhi	do	To be reduced to Lower Primary	
21	L F Convent L S School, Chelakara	do	To continue aided for 3 years	Please see Appendix XI.
22	S V S, Enkakad	do	To be L. Primary	
23	St. Joseph's School, Aloor	do	To be reduced to L. Primary	
24	C M S Boys' School, Kunnankulam	do	To be amalgamated	The Director of Public Instruction recommends amalgamation (P. 11).
25	C M S Girls' School, Kunnankulam			
26	St. Francis Boys' School, Mattom	do	To be considered as one for purposes of grant	
27	St. Mary's Convent School, Mattom			
28	S H S, Chelakara	Sirkar	Upper Secondary Department to be closed	Incomplete
29	H S, Elthuruthu <i>Chittur Taluk.</i>	Private	do	do
1	M G S, Nemmara	Sirkar	To be reduced to Lower Primary	Sirkar Boys' High School close by
2	Aided School, Kairadi	Private	To be abolished and a Sirkar School to be opened	A Sirkar school midway between the two has to be opened. The Director of Public Instruction recommends (p. 12) and the managements have agreed
3	Aided School, Adipuranda			
4	E S, Vellanghi	Sirkar	To be a fully developed Primary School	
5	M S, Vithanasseri	do	To be reduced to L. Primary	
6	L S, School, Tattamangalam	do	To continue	
7	M G S, Tattamangalam	do	To be fully developed Primary School	
8	Bazaar School, Tattamangalam	Private	To be reduced to L. Primary	
9	H M S, Tattamangalam	do	do	

Serial No.	Name of school	Sirkar or private	How affected	Remarks
10	A V S, Kozhinjampara	Sirkar	To be abolished	
11	M S, do	do	To continue	
12	Ramavarmapuram Pudur School	do	To continue, as a fully developed Primary School	English has already been introduced in the school
13	Athicode School	Private	To be taken up by Government	Difficulty regarding Koran teaching
14	M G S, Nellapilly	Sirkar	To be abolished	There is extra accommodation in the L. S. School, Nellapilly where the additional students can be accommodated by opening divisions in classes III and IV
15	M G S, Chattamangalam	do	To be reduced to L. P.	
16	Aided School, Eri-chempathi	Private	do	
17	M S, Arandapallam	Sirkar	To continue as L. Primary	
18	G H S, Chittur	do	The Upper Secondary department to be closed	

A new school is to be opened at Parisikkal. (Mr. Eachara Menon, M. L. C. and the Deputy Inspector recommend it).

A Sirkar School midway between Kairadi and Adipuranda to be opened.

APPENDIX X.

List on Schools in which plurality of class teaching is resorted to.

1	M S Chattamangalam	8	A S Kunnathara
2	M S Kuthampilli	9	Aided School, Chenam
3	M S Anandapallur	10	M S Kadamakudi
4	M S Meenakshipuram	11	St. Joseph's School, Kadavanthara
5	M S Vannamadai	12	M S Parambikulam
6	M S Ramavarmapuram, Pudur	13	M S Kuriarkutty
7	A S Thrikannyur	14	M S Kunnathupadam

} Hilly Tracts.

APPENDIX XI.

LIST OF SECONDARY SCHOOLS.

Sirkar High School.

Boys:—

1	High School, Mulanthuruthy	10	High School, Ollur
2	" Trippunithura	11	" Peringottukara
3	" Ernakulam	12	" Vadakkancheri
4	" Narakkal	13	" Kunnamkulam
5	" Cranganur	14	" Thiruvillawamala
6	" Irinjalkkuda	15	" Chelakkara
7	" Chalakkudy	16	" Chittur
8	" Trichur	17	" Nemmara
9	" Kandassankadavu		

Girls:

1	Palace Girls' High School, Trippunithura	5	Girls' High School, Irinjalkkuda
2	Girls' High School, Trippunithura	6	Victoria Girls' High School, Trichur
3	" " Ernakulam	7	Girls' High School, Kunnamkulam
4	" " Cranganur	8	" " Chittur

A. B. Upper Secondary to be suppressed.

1	Girls' High School, Trippunithura	3	Girls' High School, Chittur
2	" " Cranganur	4	High School, Chelakkara

Private High Schools.

Boys, Aided.

1	St. Albert's High School, Ernakulam	5	Mangayil High School, Maradu
2	T D High School, Cochin	6	St. Sebastian's High School, Gothuruthi
3	Paliyam High School, Chennamangalam	7	St. Peter's High School, Kumbalangi
4	Union High School, Cherai		

Girls aided.

- | | | | |
|----|----------------------------------------|---|----------------------------------------------|
| 8 | St. Sebastian's High School Palluruthy | 1 | St. Theresa's Convent High School, Ernakulam |
| 9 | St. Thomas High School, Trichur | 2 | L. M. C. C. High School, Chathiath |
| 10 | C. M. S. High School, Trichur | 3 | Sacred Heart's Convent High School, Trichur |
| 11 | Vivekodavam High School, Trichur | | |
| 12 | C. N. S. High School, Cherpu | | |
| 13 | St. Mary's High School, Kattur | | |

Un-aided

- 1 Sacred Heart's High School, Thevara
- 2 D. V. H. School, Velloor
- 3 St. Aloysius's High School, Elthuruthu

Un-aided.

- 1 Sacred Heart's Convent High School, Chalakkudy
 - 2 St. Joseph's Girl's High School, Trichur
- A. B. Upper Secondary to be suppressed.*
- 1 St. Joseph's Girl's High School, Trichur

Note:—The Committee is of opinion that the High Schools at Narakkal and Kunnankulam should not be handed over to private agency. They were once aided schools, which were taken over by Sirkar.

LIST OF LOWER SECONDARY SCHOOLS.

Sirkar.

- | | | | |
|---|------------------------------|----|------------------------------|
| 1 | L. S. School, Elankunnapuzha | 7 | L. S. School, Cheruthuruthy |
| 2 | ... Eriyad | 8 | L. S. G. S. Mattancheri |
| 3 | ... Kodakara | 9 | ... Vadakkancheri |
| 4 | ... Nadavaramba | 10 | L. S. G. School, Nalleppilli |
| 5 | ... Manaloor | 11 | ... Aylore |
| 6 | ... Palanjji | 12 | ... Erumapetty |

PRIVATE LOWER SECONDARY SCHOOLS.

Boys. Aided.

- | | | | |
|---|---------------------------------------|---|------------------------------------|
| 1 | S. R. V. L. S. School, Ernakulam | 4 | St. Francis L. S. School, Mattom |
| 2 | Nambudiri Vidyalayam, Trichur | 5 | S. M. L. S. School, Tattamangalam |
| 3 | Tharakan's L. S. School, Aranattukara | 6 | St. Antony's L. S. School, Pudukad |

Unaided.

- | | | | |
|----|--------------------------------------------|----|--------------------------------------|
| 1 | St. Joseph's L. S. School, Chathiyath | 14 | Nayar Samajam L. S. School, Valoor |
| 2 | Co-operative L. S. School, Kadungamangalam | 15 | St. Antony's L. S. School, Mala |
| 3 | St. Sebastian's L. S. School, Kanjur | 16 | St. Mary's L. S. School, Vyntala |
| 4 | Santa Cruz L. S. School, Ochanthuruthi | 17 | St. George's L. S. School, Pariyaram |
| 5 | St. George's L. S. School, Pazhangad | 18 | St. Mary's L. S. School, Puthekara |
| 6 | St. Mary's L. S. School, Chellanam | 19 | St. John's L. S. School, Parappur |
| 7 | Little Flower L. S. School, Cheranellur | 20 | C. S. Church English School, Trichur |
| 8 | L. S. School, Edavanakad | 21 | St. Thomas L. S. School, Thirur |
| 9 | S. S. Araya School, Pallipuram | 22 | D. M. L. S. School, Panankulam |
| 10 | S. D. P. Y. L. S. School, Palluruthy | 23 | S. R. K. G. L. S. School, Vilangan |
| 11 | B. V. R. Sabha L. S. School, Cherai | 24 | L. S. School, Pazhayannur |
| 12 | Sacred Heart's L. S. School, Kodankulan | 25 | St. Francis L. S. School, Karanchira |
| 13 | V. L. S. School, Panangad | 26 | M. J. D. L. S. School, Kunnankulam |
| | | 27 | St. Mary's L. S. School, Narakkal |
| | | 28 | St. Xavier's L. S. School, Velloor |

Girls. Aided.

- | | | | |
|---|-----------------------------------------------|----|-------------------------------------------------|
| 1 | St. Mary's Convent L. S. G. School, Ernakulam | 5 | B. I. T. L. S. G. School, Irinjalakuda |
| 2 | St. Joseph's L. S. G. School, Chengal | 6 | Sacred Heart's L. S. G. School, Kandassankadavu |
| 3 | Infant Jesus L. S. G. School, Ochanthuruthi | | |
| 4 | St. Mary's L. S. G. School, Kuzhikkattusseri | | |
| | | 7 | St. Mary's L. S. G. School, Ollur |
| | | 8 | Vivekodayan L. S. G. School, Trichur |
| | | 9 | Mar. Thoma L. T. L. S. G. School, Trichur |
| | | 10 | Little Flower L. S. G. School, Chelakara |

To be abolished. Boys

- | | | | |
|---|---------------------------------------------------------------------------------|---|--------------------------------------|
| 1 | St. Sebastian's L. S. School, Kanjur—amalgamated with the L. S. School, Chengal | 4 | S. D. P. Y. L. S. School, Palluruthy |
| 2 | S. S. Araya L. S. School, Pallipuram | 5 | D. M. L. S. School, Panankulam |
| 3 | St. George's L. S. School, Pazhangad | 6 | M. J. D. L. S. School, Kunnankulam |

Girls.

- 1 Infant Jesus L. S. G. School, Ochanthuruthi

Note. L. S. G. School, Chelakara. Though the committee would like to recommend that the L. S. Department may continue unaided till at least 15 students of each class are from or near the locality, grant may in view of the commitments of the management already made, continue for 3 years by which time the management should satisfy the condition.

APPENDIX XII.

Copy of the letter from the Chief Engineer, dated 22—12—1933, R. O. C. 4768/1108, to the President, Education Survey Committee.

Sir,

I have the honour to forward herewith a plan for a Malayalam school of a structurally satisfactory design, we had occasion to design recently. You will see the school has nine class rooms each separated by cross walls and thus ensuring the necessary privacy and freedom from disturbance. Each class room is provided with 4 openings for doors and windows except the two corner rooms A and B which have one door in addition. These rooms are meant as safe rooms and can be locked. The doors and window openings for the others have no shutters but have concrete frames. These will be provided with framed bamboo mat shutters, A small

verandah is provided in the quadrangle and the flooring is of tiles. The building therefore has the requisite strength, sufficient protection from the rains and is economical. The cost of a room will be about Rs. 595.

It will be possible to effect some savings by removing the 4 cross walls but I do not think that the savings realised thereby (will be about Rs. 25) per class room will compensate for the extra inconvenience caused.

A structure composed solely on pillars with bamboo mat thatties but without cross walls is definitely unsafe and I will not recommend that design.

Further we have seen that the cost of thatties and the cost of periodically tarring or renewing them is not very much lower than a pucca masonry wall.

I shall always be glad to have your suggestions in the matter and to consider it a privilege to look into them when received.

It has also to be stated that additional provision for the following items of expenditure has also to be made in the construction of school buildings.

1. Land acquisition charges—approximate	Rs. 600
2. Music shed	„ 840
3. Two latrines	„ 600
4. Well	„ 300
5. Fencing with gate	„ 50

(Sd.) Chief Engineer.

APPENDIX XIII.

Rules for the formation and maintenance of free Village Libraries-in the State.

1. When the inhabitants of any village shall raise by subscription, donation or other means any sum not exceeding Rs. 100 annually for the maintenance of a free Public Library or Reading room or both the Panchayat Department and the Government shall each furnish an equal amount annually for the maintenance of the said library or reading room or both.

2. When the citizens of any village shall raise by subscription, donation or other means a sum of Rs. 25 and shall pay the same to Government, Government will, through the Education Department, present them with Vernacular books of double the value with an almirah for the same. Such books shall form a public library and shall be free to be borrowed by all citizens of the said village under such rules and regulations as the local committee of management of the said library may frame.

3. The library shall be kept open for 3 hours after school work on all working days and for at least two hours during holidays.

4. Each village library shall be located in the Sirkar Primary School in the village.

5. The President of the Panchayats shall be the President of the Library Local Committee and the Head-master of the school the librarian. The Committee shall, besides these consist of 5 others, two of whom may be officials, and three non-officials, elected annually by the whole body of subscribers to the annual fund of the said library.

6. All village Libraries receiving Government aid shall spend their income in each year in the following manner and proportion as far as practicable.

For books 25 per cent, for periodicals 30 per cent, for contingencies and services 25 per cent, for reserve fund 10 per cent, for the increase of any or all of the above items or for any other library use 10 per cent.

7. Each village library of the State shall send a quarterly report of its work to the Inspecting officer on blank forms furnished for the purpose.

8. All libraries shall be open and free to the public without distinction of caste or creed.

9. Each library shall maintain all the registers that may be prescribed by Government.

10. All State-aided libraries shall be under the supervision and control of Government.

11. All Government grants for libraries shall be liable to be reduced or withdrawn at the pleasure of the Government after giving one year's notice.

12. Books and periodicals should be ordered only with the approval of the Department.

13. The teachers of the Sirkar Schools in which the library is located shall co-operate with the Headmaster and render all possible help to him in enhancing the usefulness of the library.

APPENDIX XIV.

Copy of letter to the Secretary, Elementary Vernacular Education Committee,
dated 30th Thulam 09, C. No. 12/09.

Sir,

In connection with the question of Elementary Education which the Committee is now considering, I had the privilege of having a personal talk with the President of your Committee, H. H. Kerala Varma Thampuran. Under instructions from him I am writing this to inform you that your Committee and the Educational Survey Committee is to have a joint meeting to consider the question in all its aspects. To facilitate this meeting, it is essential, according to your President, that you hold a meeting of your Committee and come to a definite opinion on the following points relating to the subject.

(1) Age of admission of boys, i. e., what should be the minimum age for a boy to be admitted into the school.

(2) Course of Elementary Education, i. e., is it desirable to extend the course of Vernacular Education to 5 years instead of 4 at present and introduce teaching of English, as a

subsidiary subject in the 4th and 5th classes, so that a student undergoing a full course of Vernacular Education may have a working knowledge of English, and so that Primary Education may be complete in itself.

(3) Curricula of Studies.—i. e. Whether any addition to the present curricula of studies in the Vernacular course of instruction should be introduced, and if so, what.

(4) Text Books—i. e. Whether it is desirable to have a variety of lessons in text books, so that schools in particular localities may have the option of selecting particular lessons from that text book suited to the localities concerned.

As soon as you have summoned your meeting and come to a decision on the points, you may write to me, in order that I can arrange for a joint meeting of the two Committees on a date that will be convenient to all concerned.

I request the favour of a very early reply.

(Sd.) President.

Copy of the Resolutions of the Elementary Vernacular Education Committee.

(൧) കട്ടികളെ സ്കൂളിൽ പ്രവേശിപ്പിക്കുമ്പോൾ അവർക്കു കാര്യമെന്തെല്ലാം വയസ്സ് പ്രായമനുസരിച്ചിരിക്കണം. ഓരോ വയസ്സിൽ കറഞ്ഞ കട്ടികളെ ചേർക്കേണ്ടതു്.

(൨) പ്രാഥമിക വിദ്യാഭ്യാസത്തിന്റെ കാലം ആറു കൊല്ലമായിരിക്കണം. പ്രഥമവയസ്സു അഥവാ (Infant) ക്ലാസ്സിൽ അക്ഷരംഭ്യാസംകൊണ്ടു കഴിഞ്ഞു പിന്നീടു മൂന്നു കൊല്ലം തരിയായ വിദ്യാഭ്യാസത്തിന്നു വിനിയോഗിക്കണം. ഭട്ടവിലത്തെ അഞ്ചു ആറു ക്ലാസ്സുകളിൽ ഇംഗ്ലീഷ് ഉപഭാഷയാക്കണം. എന്നാൽ ഉൽകൃഷ്ട വിദ്യാഭ്യാസത്തിന്നു പലകൊല്ലം മേൽമുളകൾക്കു ഐതിഹ്യമായിട്ടു ഇംഗ്ലീഷ് പഠിക്കുവാനുള്ള ഏർപ്പാടു കൂടി ഉണ്ടായിരിക്കേണ്ടതാകുന്നു.

ഇംഗ്ലീഷ് ഉപഭാഷയാക്കിയവർക്കു മൂന്നു കൊല്ലം കൊണ്ടു ആ ഭാഷയിൽ പ്രായോഗികമായ ജ്ഞാനം ഉണ്ടാകുവാൻ പ്രയത്നമുണ്ടെന്നാകുന്ന കമ്മിറ്റിയുടെ അഭിപ്രായം.

(൩) കമ്മിറ്റിയുടെ അന്വേഷണം പൂർത്തിയാകുന്നതിന്നു മുമ്പു കരിക്കുലത്തെക്കുറിച്ചു ഒന്നും പ്രസ്താവിക്കുവാൻ തരമില്ല.

(൪) പാഠപുസ്തകത്തിൽ ഭാഷയ്ക്കു പ്രാധാന്യവും ഐക്യരൂപവും വേണം.

APPENDIX XV.

LIST OF SCHOOLS ENJOYING SPECIAL VACATIONS, SUCH AS HARVEST, FEVER, ETC.

Table with 2 columns listing school names and numbers from 1 to 56. Schools include M S, Vannamadai; M S, Meenakshipuram; M S, Chathamangalam; N S, Meenakshipuram; N S, Pudusseri; R C S, Erichampathy; C L V S, Ozhalapathy; V M S, Kanimangalam; A S, Kairady; A S, Adipuranda; V M S, Karekkattu Parambu; A S, Kallaipadam; C M S, Kaniampal; St. Thomas Parannur; S M S, Erinjapuram; A S, Kaniarkode; A S, Vadakkethara; A S, Chelakode; S D S, Kunnathara; S K V S, Potta; A S, Vennur; V P, S. Kurumala; L M S, Perimpilavu; D M School, Mattikunni; M S, Kozhipara; M S, Nanniode; M S, Southern, Chittur; M S, Kadamakudi; M S, Udayathumvadukkal; M S, Palikkamali; M S, Palliviruthi; M S, Puthenthode; A M M S, Chennur; St. Francis School, Pezhal; St. John School, Moolampilli; St. Mary's School, Southern Chittur; Kothad School of Jesus; S K V S, Mulavukad; St. Mary's Pomarimangalam; St. Mary's Vallarapadam; St. Peter's Vaduthala; M S, Vattathiparamba; S D V P S, Maradu; C E Z M S, Tripunitbura; S A S, Thiruthikara; St. J S, Chethicode; M S, Arakkunnam; M S, Parappacode; S P S P S, Kumbalam; S A S, Madavana; D B S, Cheppanam; St. Antony's Panangad; C V S, Palliruthi; St. Law M S, Edacochi; St. J S, Cheriakadavu; St. G S, Pazhangad.

57 St Aug S Edavanakad	76 St. Peter's Malippuram
58 S T M S, Pudiyedom	77 Hindu school, Mayavakod
59 St. J S, Thekkumbhagom	78 S F S, Nedungad
60 M S, Cherai	79 Union S Nedungad
61 M S, Edavanakad	80 B V S, Nayarambalam
62 M S, Azhicode	81 D V S, do
63 M S, Vellikulangara	82 S K V A S, Narakkal
64 V V S S, Cherai	83 St. Mary's Chathuthy
65 B V R S, Cherai	84 S S S, school, Ochanthuruthy
66 St. George's School, Chakkarakadavu	85 Church school, Perumpilly
67 V D S, Cheruvippu	86 S B S, Puthenkadappuram
68 S P S S, Edavanakad	87 St. Joseph's school, Vadai
69 St. Ambrosius' School, Edavanakad	88 A M I S, Eriyad
70 St. George's school, Kuzbupilly	89 Labour school, Pullut
71 St. John's school, Manapilli	90 N S, Pazhukara
72 S S Araya school, Pallippuram	91 B V S, Poolany
73 St. Peters' school, Kurisingal	92 Aided D C S, Kuttichira
74 St. Joseph's M B S, Karthedom	93 M S, Parambikulam
75 St. Mary's S, Murukumpadom	94 M S, Kuriarkutty

APPENDIX XVI.

Grants assessed, assigned and sanctioned by District Educational Council.

No.		1930—31	1931—32	1932—33
A				
1	Number of Elementary schools in the District	957	783	687
2	Amount of total assessed grant to all schools	Rs. 1,27,763	Rs. 1,24,870	Rs. 1,13,641
3	Number of schools that earned extra grant for efficiency	292	255	220
4	Amount of total assigned grant	Rs. 1,43,915	Rs. 1,26,671	Rs. 1,23,295
5	Amount sanctioned by Dt. Educational Council, i. e., finally distributed	Rs. 1,40,705	Rs. 1,08,612	Rs. 1,05,439
B				
1	Number of Elementary schools	1004	957	853
2	Amount of assessed grant recommended by the Inspecting officers	Rs. 1,62,923-8-0	Rs. 1,38,098 0-0	Rs. 1,38,137
3	Amount of assigned grant recommended by the Inspecting officers	Rs. 1,64,234-0-0	Rs. 1,53,446-8-0	Rs. 1,49,184
4	Amount of assigned grant finally sanctioned by the Dt. Educational Council	Rs. 1,64,218 13 0	Rs. 1,32,704-0-0	Rs. 1,32,318 2
5	Number of schools for which extra grant was recommended	557	17	189

APPENDIX XVII.

Scale of Contingencies

Sirkar Schools.

	Maximum.	Per year.
1. High Schools.		
Clerk Rs. 25—40	40	480
Attender Rs. 15	15	180
Peons 2 at Rs. 10	20	240
Thotty and Sweeper		100
Class Books.		25
Repair of furniture		15
Office expenses at Rs. 5 per mensem		60
		<hr/> Rs. 1,100
		100
		<hr/> Rs. 1,200

Add provision for P, C. R.

2. Lower Secondary Schools.

Peon 1 at Rs. 10 per mensem	Rs. 120
Thotty and Sweeper at Rs. 2	24
Class Books	10
Repair of furniture	20
Office expenses, etc.	50
	<hr/>
	Rs. 214
	26
	<hr/>
Add provision for P. C. R.	Rs. 240
	<hr/>

APPENDIX XVIII A.

Calculation of grants to Elementary Schools under the following principles.

1. School having 4 classes as at present.
2. School having 5 classes with 5 teachers as in future, with (a) 2 trained teachers (b) all teachers trained.

- (i) Grant as per present scale of pay and present rates of grant.
- (ii) Grant as per proposed scale of pay and proposed rate of grant.
- (iii) Grant as per proposed scale of pay and present rate of grant.

1. School of 4 classes with 4 teachers.

(a) 2 trained and 2 untrained.

(i) Half salary grant	Rs. 24 0 0
Ordinary grant	49 10 6
	<hr/>
Total	Rs. 73 10 6
(ii) Grant = $\frac{3}{4}$ (33-12-0 plus 26-10-8 plus 38-6-0) plus 3	Rs. 77-5-0
= $\frac{3}{4}$ x 98-12-8 plus 3 or	
(iii) Half salary grant	Rs. 30 3 0
Allowance	3 0 0
Ordinary grant	59 0 0
	<hr/>
Total	Rs. 92 3 0

(b) All teachers trained.

(i) Half salary grant	Rs. 41 0 0
Ordinary grant	36 14 6
	<hr/>
Total	Rs. 77 14 6
(ii) Grant = $\frac{3}{4}$ (33-12-0 plus 26-10-8 plus 38-6-0) plus 3	or Rs. 77-5-0
(iii) Half salary grant	Rs. 49 6 0
Allowance	3 0 0
Ordinary grant	42 0 0
	<hr/>
Total	Rs. 94 6 0

2. School having 5 classes with 5 teachers.

(a) Two teachers trained.

(i) Half salary grant	Rs. 24 0 0
Ordinary grant	63 10 10
	<hr/>
Total	Rs. 87 10 10
(ii) Grant = $\frac{3}{4}$ (33-12-0 plus 26-10-8 plus 57-10-0) plus 3	Rs. 91-10-0
= $\frac{3}{4}$ x 118-2-8 plus 3 or	
(iii) Half salary grant	Rs. 33 3 0
Ordinary grant	69 12 0
	<hr/>
Total	Rs. 102 15 0

(b) All teachers trained.

(i) Half salary grant	Rs. 49 8 0
Ordinary grant	48 4 10
	<hr/>
Total	Rs. 97 12 10
(ii) Grant = $\frac{3}{4}$ (33-12-0 plus 26-10-8 plus 57-10-0) plus 3	or Rs. 91-10-0
(iii) Half salary grant	Rs. 62 2 0
Ordinary grant	50 6 0
	<hr/>
Total	Rs. 112 8 0

APPENDIX XVIII—B.

Grant according to the number of teachers in a school, having only 1 division in each class.

- (i) Fully developed school, Lower Elementary classes working for 2½ hrs.
- (ii) Fully developed school, Lower Elementary classes working for 5 hrs.
- (iii) Lower Elementary school, classes working for 2½ hrs.
- (iv) Lower Elementary school, classes working for 5 hrs.

(i) Teachers 4—2 trained.
Grant— $\frac{3}{4}$ (33—12—0 plus 26—10—8 plus 38—6—0) plus 3 or Rs. 77—5—0.

(ii) Teachers 5—Headmaster and 1 assistant trained.
Grant— $\frac{3}{4}$ (33—12—0 plus 26—10—8 plus 57—10—0) plus 3 Rs. 91—10—0.

(iii) Teachers 2—1 trained.
Grant— $\frac{3}{4}$ (25—10—8 plus 19—3—0) or Rs. 32—4—0

(iv) Teachers 3—1 trained.
Grant— $\frac{3}{4}$ (23—12—0 plus 38—6—0) or Rs. 48—12—6.

APPENDIX XVIII—C.

Grants according to the number of teachers in a school of 2 divisions in each class.

- (i) Fully developed school, Lower Elementary classes working for 2½ hrs.
- (ii) Fully developed school, Lower Elementary classes working for 5 hrs.
- (iii) Lower Elementary school, classes working for 2½ hrs.
- (iv) Lower Elementary school, classes working for 5 hrs.

(i) Teachers 7—Headmaster and 1 assistant trained.
Grant— $\frac{3}{4}$ (33—12—0 plus 26—10—8 plus 96) plus 3 or Rs. 120—5—0.

(ii) Teachers 8 on the average (Headmaster and 1 assistant trained.)
Grant— $\frac{3}{4}$ (33—12—0 plus 26—10—8 plus 115—3—0) plus 3 or Rs. 134—11—0.

(iii) Teachers 3, 1 trained.
Grant— $\frac{3}{4}$ (26—10—8 plus 38—6—0) Rs. 48—12—6.

(iv) Teachers 6, 2 trained.
Grant— $\frac{3}{4}$ (26—10—8 plus 26—10—8 plus 76—13—0) Rs. 98—0—0

APPENDIX XVIII—D.

Elementary Schools.

(a) 400 Fully developed schools with 5 teachers, 2 trained.
Grant per school— $\frac{3}{4}$ (Rs. 33—12—0 plus 26—10—0 plus 57—10—0) plus 3.
i. e. $\frac{3}{4}$ (118—2—8) plus 3 or Rs. 91—10—0.
400 Schools $400 \times 12 \times 91—10—0$ or Rs. 4,39,800 per annum.

50 Lower Elementary Schools with 2 teachers, 1 trained.
Grant per school— $\frac{3}{4}$ (26—10—8 plus 19—3—0) or Rs. 34—6—3.
50 schools $50 \times 12 \times 34—6—3$ or Rs. 20,635.
Total Rs. 4,60,435

(b) 400 Fully developed Elementary Schools with 7 teachers, 2 trained.
Grant per school— $\frac{3}{4}$ (33—12—0 plus 26—10—8 plus 96) plus 3 or Rs. 120—5—0.
Grant to 400 schools $400 \times 12 \times 120—5—0$ or Rs. 5,77,500.

50 Lower Elementary schools with 3 teachers, 1 trained.
Grant per school— $\frac{3}{4}$ (38—6—0 plus 26—10—8) Rs. 48—12—6.
50 schools $50 \times 12 \times 48—12—6$ or Rs. 29,270.
Total Rs. 6,06,770.

(c) Fully developed school with 8 teachers, 2 trained.
Grant to 400 schools $400 \times 12 \times \frac{3}{4}$ (33—12—0 plus 26—10—8 plus 115—3—0) plus 3
i. e. $400 \times 12 \times 134—11—0$ or Rs. 6,46,800.

Lower Elementary School with 6 teachers, 2 trained.
Grant to 50 schools $50 \times 12 \times \frac{3}{4}$ (26—10—8 plus 26—10—8 plus 76—13—0)
i. e. $50 \times 12 \times 98—0—0$ or Rs 58,800.
Total Rs. 7,05,600.

APPENDIX XVIII—E.

Calculation of grants.
Secondary Schools.

Grants worked out by applying (1) the principles under the present rules of the State.
(2) principles contemplated by the Director in his report supplemented by our suggestion to allow contingencies (for one year).

I. Boys' High School—(Actual figures taken from the statement of a particular High school furnished by the school).

	(i) Present rules.		
Fee income	Rs. 10,581—12—0	Establishment pay	Rs. 15,410—10—12
Manager's contribution	Rs. 1,207—3—9	Contingencies @ 12½%	Rs. 1,926—5—4
Total	Rs. 11,783—15—9		Rs. 17,337—0—3
		Deduct income	11,783—15—9
			5,548—0—6
		Grant payable	5,548—1—0

ii. *Director's proposal as modified by the Committee.*

$\frac{1}{2}$ of the net deficit plus Rs. 1,200 for contingencies i. e. Rs. 2,414-7-0 plus 1,200 or Rs. 3,614-7-0.

II. Girls' High School—(Actual figures taken from the statement of a particular Girls' High School).

(i) *Present rules.*

Fee income	Rs. 5,404-0-0	Establishment pay	Rs. 21,969-7-7
Half salary grant	Rs. 1,991-11-0	Contingencies @ 12½%	Rs. 1,496-3-0
	7,395-11-0		23,465-10-7
Manager's contribution	Rs. 1,143-7-2	Deduct income	8,519-2-2
Total	Rs. 8,539-2-2	Balance	Rs. 4,926-8-5

Grant=Rs. 4,926-8-5 (ordinary grant) plus Rs. 1,991-11-0 (half salary grant) or Rs. 6,918-3-5 or Rs. 6,918-3-0).

2. *Director's proposal as modified by the Committee.*

Grant $\frac{1}{2}$ of the net deficit plus Rs. 1,200 for contingencies i. e., Rs. 4,924-2-0 plus Rs. 1,200 or Rs. 6,124-2-0.

APPENDIX XIX.

List of Schools in 1108.

Description	C. Kana- yannur		Cranga- nur		Mukun- dapuram		Trichur		Talap- pilli		Chittur		Total	Remarks	
	S. A.	S. A.	S. A.	S. A.	S. A.	S. A.	S. A.	S. A.	S. A.	S. A.	S. A.	S. A.			
High School for Boys ..	4	8	1	..	2	1	4	5	4	1	2	..	17	15	Includes St. Alo- sius' Elathrouth
Do for Girls ..	3	3	1	..	1	1	1	2	1	..	1	..	8	6	Includes St. Jose- ph's Trichur
L. S. Schools Boys ..	1	15	1	..	2	6	1	8	3	4	2	1	10	34	
Do Girls ..	1	3	..	..	..	2	..	4	1	1	..	..	2	10	N. B. Gr. Tr. Insti- tution not included in the list
Eng. Primary School Boys ..	3	2	..	..	..	1	..	1	1	1	..	2	4	7	
Do Girls ..	1	1	..	..	..	..	4	1	..	..	..	1	5	7	
Ver. Primary Schools Boys ..	21	115	5	7	29	65	20	56	10	66	13	10	98	319	
Do Girls ..	6	17	..	..	4	7	7	9	3	7	3	..	23	40	
Night Schools ..	..	11	1	..	..	2	..	1	1	1	1	..	3	15	
Total ..	40	175	9	7	38	85	37	88	23	81	22	14	169	450	

Note. The total number of Sirkar Primary Schools is 133, of which 14 will be abolished, and 2 extra will have to be started. There will thus be 118 schools. Out of 369 Aided Primary Schools, 360 will continue, of these at least 49 will be Lower Primary.

APPENDIX XX.

Form of Poverty Certificate.

1. Name of student.
2. School and class in which studying.
3. Name of parent or guardian.
4. Occupation of the parent or guardian.
5. Native village and place of residence.
6. Names of other earning members of the student's family.
7. Number of school going children.
8. Expenditure incurred on Education.
9. Nature and extent of the landed property owned or held by.
10. Income of parent or guardian from:—
 - (a) Landed property.
 - (b) Other sources.
11. Liabilities.

Signature of the Parent or Guardian.

Signature of the Headmaster of the School.

Certified that the particulars noted in the form have been verified and are, to the best of my knowledge, correct (subject to the following modifications). In my opinion, the boy is too poor to pay the full school fees, and deserves help.

Signature of the Tahsildar of the Taluk.

APPENDIX XXI.
(Rule 12 (1) M. E. R.)

Agreements between teachers and managements of Secondary Schools.

Agreement made the _____ day of _____ One Thousand Nine
Hundred and _____ Between _____ of the other part.
of the one part and _____

Whereas the said _____ have agreed to engage the said _____
to serve _____ High School _____ in the capacity of a teacher and at the
salary herein after mentioned.

Now these presents witness and the parties hereto do hereby mutually covenant con-
tract and agree in manner following, that is to say:—

1. That the said _____ shall employ the said _____
and the said _____ shall serve the said _____
as a teacher in the _____ High School _____ from the date of his taking charge
of such appointment until such employment shall be determined as hereinafter provided.

That except it be in a purely temporary vacancy the said _____
shall be on probation for a period of _____ months from the date of his first taking
charge of his appointment during which period it shall be open to the said _____
to dispense with his services without giving notice or without assigning any reasons.

2. That the said _____ will employ himself honestly, efficiently and diligen-
tly under the orders and instructions of the Headmaster or other officers or managers of the
said school under-whom he shall from time to time be placed as teacher in the said _____
High School _____ in which capacity he will discharge all such duties appertain-
ing to that office and do all things which may be required of him or which are necessary to be
done in his capacity as aforesaid and will make himself in other respects generally useful
as may be required of him.

3. That he will not on any pretence absent himself from his duties without first having
obtained the permission of his superior officers authorised in this behalf or in case of sickness
or inevitable accident without forwarding a medical certificate satisfactory to the officers
aforesaid as may be required by the leave rules of the said school.

4. That he will devote his whole time to the duties of the said employment and will
not on his own account or otherwise either directly or indirectly carry on his own account or
otherwise carry on or be concerned in any trade or business whatsoever, without having first
obtained the permission of his superior officers authorised in this behalf.

5. That he will conform to all the rules and regulations in force in the said school in-
clusive of leave rules a copy of which is appended and will obey all such lawful orders and di-
rections as he shall from time to time receive from any authorised officer of the said school.

6. That this agreement may be terminated at any time by either party on giving to
the other three calendar months' notice in writing of such intention to determine the same, or
by _____ on paying three months' salary in lieu of such notice and may be
determined by the _____ forthwith without any notice in the event of such
misconduct on the part of _____ as may be considered by the Director
of Public Instruction to warrant suspension or cancellation of his Teachers Certificate under
Rule 154 of the Madras Educational Rules.

7. That if the said _____ shall observe and comply with all
the provisions of these presents there shall be paid to him for such time as he shall be in the
service of the said school and actually perform his duties a salary of Rs. _____
per mensem for the first year of his service which shall be increased each subsequent year of his
service by Rs. _____ per mensem up to a maximum of Rs. _____ but that in the event
of his temporary absence from duty by reason of sickness or leave or otherwise he shall be
paid such salary only as shall be determined by the rules in force in the said school:

Provided always that the teacher shall get the full salary or a proportionately reduced
amount per month during the vacation according as he has worked for the full period July to
March inclusive or a shorter period.

8. That it shall be lawful for the school authority at any time if satisfied on medical
evidence that the said teacher is unfit and is likely for a considerable period to continue unfit
by reasons of ill-health for the discharge of his duties as such teacher to determine his service
under these presents on paying him three months' salary less any amount which may have been
paid him as leave allowance after the date of his last appearance in the school for the regular
discharge of his duties as teacher (the decision of the school authority as to the unfitness of the
teacher being final and conclusive) and thereupon his service shall absolutely cease and
determine.

In Witness whereof _____ and _____
have hereunto set their hands the day and year first above written.

Signed by _____
in the presence of _____
Signed by _____
in the presence of _____



PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE
MAHARAJA OF COCHIN.

No. 30. — Law and Justice Department.

Cochin Legislative Council—Broadening of franchise—Increasing of
constituencies.

Read (1) Government Proceedings L-4-19676/1112, dated 26th June 1937, Law
and Justice Department, appointing the Franchise Committee.

(2) Letter F. C. 1/1112, dated 29th September 1937, from the Chairman,
Franchise Committee, submitting the report of the Franchise Committee.

And (3) correspondence ending with the Sarvadhikari's communication,
C. No. 2955/1112, dated 21st October 1937.

Order L-4-19676/1112, dated 22nd October 1937.

By Government Proceedings, L. 4-19676/1112, dated 26th June 1937, Law and
Justice Department, a Committee was appointed to investigate the question of lowering the
franchise qualification for the Cochin Legislative Council election and for making constructive
proposals based on essential data. The Committee submitted its report on the 30th September
1937. The report of the Committee with the dissenting minute by Dr. A. K. Kunhalu and the
separate note by Mr. K. Ayyappan is appended to these proceedings. Government are pleased
to accept the recommendations of the Committee subject to the following modifications:

(1) Special Representation for Women.—The Committee recognised that the question
of special representation of women in the Council is one of undoubted importance, and were
unanimously of opinion that it would be better that definite provision for the special representa-
tion of women should be made in the electoral rules. The Committee however felt that within
the limited number of seats set apart for election it was not possible for them to make suitable
recommendations for such special reservation. Though considering the advance made by the
women in the State the chances of their successfully contesting seats in the general constituencies
are by no means remote, Government have come to the conclusion that in view of the important
status of women in society and the importance of the vital questions specially affecting their
interests which come up for decision by the Legislative Council, provision should be made in the
electoral rules for securing special representation to them. Government are accordingly pleased
to order that two seats shall be reserved for women. In order to secure this special representa-
tion without upsetting the arrangements recommended by the Committee, Government are pleased
to order that the elective strength of the Legislative Council shall be increased by 2, and the
number of nominated members shall be correspondingly increased by 1. This will make the
total strength of the Council 57 (38 elected; and 19 nominated). One of the 2 seats thus reserved
for women will be allotted to the general Trichur town constituency north and south combined,
and the other seat to the general Ernakulam constituency. All the voters entitled to vote in
the general constituencies of Trichur town north and Trichur town south together shall elect one
woman member, and all the voters entered in the list for the general Ernakulam constituency
shall elect the other woman member.

(2) Muslim Representation.—The Committee have recommended that the Muslim
community may be given 2 seats in purely Muslim constituencies without the right of taking
part in the elections for the general constituency. The Muslim member of the Committee has
dissented from the view and has claimed that in addition to the 2 communal seats the Muslims
should be allowed to take part in the elections for the general constituency as well. A deputa-

of the leading Muslims of the State waited upon the Diwan and pressed for the acceptance of the view of the dissentient Muslim member of the Committee. Government are of opinion that the claim for taking part in the general constituency in addition to the creation of special communal constituencies is inconsistent in theory and inequitable in practice. In view of the desire of the Muslim community to remain in the general constituency, Government are pleased to order that the special communal constituencies for the Muslims shall be abolished and that 2 seats be reserved for the Muslim community in suitable general constituencies, and that the Muslims will also be entitled to be enrolled as electors in, and take part as candidates for all the general constituencies of the State. One of the Muslim seats thus reserved will be in the general constituency of Mattancheri and the other seat in the general constituency of Cranganur.

(3) The recommendation of the Committee that the annual rental value of premises assessed by the Municipal Council to entitle the tenant for a vote should be raised from Rs. 30 to Rs. 60 is not accepted. The rental value shall remain the same as it is at present.

With the modifications noted above, Government are pleased to accept the recommendations of the Committee. Government wish to place on record their great appreciation of the very valuable work done by the members of the Franchise Committee. Within the short time at their disposal the Committee have examined in a very thorough manner the difficult question relating to franchise qualifications and delimitation of constituencies. The Committee have given opportunities for all sections of opinion to make both written and oral representations. In dealing with the difficult and delicate question of communal representation, the Committee have evolved a solution which is just and equitable to all the communities concerned. To the Chairman of the Committee Government owe a special thanks for the readiness with which he undertook this difficult and laborious task immediately on his retirement from office.

(By order)

K. P. KANNAN NAYAR,
Secretary to Government.

To

The Chairman and members of the Committee.
 „ Government Advocate and Law Officer.
 „ Publicity Officer.
 „ Gazette.

REPORT OF THE FRANCHISE COMMITTEE.

To

The Secretary to Government,
Law and Justice Department.

Sir,

We, the members of the Franchise Committee appointed by the Government of His Highness the Maharaja by their Proceedings L.4-19676/1112 dated 26th June 1937, Law and Justice Department, have the honour to submit the following report:

2. The Committee is constituted as follows:

1. Mr. N. R. Sahasranama Ayyar, B. A., B. L., Chief Judge (on leave), Chief Court, Chairman.
2. „ C. V. Antony, B. A., B. L., Ex-Chief Judge, Chief Court.
3. „ K. Achyuta Menon, B. A., B. L., Diwan Peishkar.
4. „ M. Sivarama Menon, B. A., B. L., M. L. C., Municipal Chairman, Ernakulam.
5. „ Ambat Sivarama Menon, B. A., B. L., Advocate, Chittur.
6. „ P. C. Varkey, M. L. C.
7. „ K. Ayyappan, B. A., M. L. C.
8. Dr. A. K. Kunhalu, Medical Practitioner, Ernakulam.

Mr. P. V. Raphael, M. A. (Hons.), Deputy Secretary to Government—Secretary to the Committee.

3. The Government order stated in clear terms that the time had come for lowering the existing franchise qualifications, but that “the extent to which the franchise should be lowered and the manner in which it has to be done” had to be carefully examined before a final conclusion was arrived at. The task of investigating and making constructive proposals based on essential data has been entrusted to the Committee, with a direction that the report should be submitted on or before the 15th September 1937. We strove hard to finish our task within the appointed time, working at high pressure and always, if we may say so, fighting against time; but in spite of our best endeavours we had to apply for a very short extension of time till the 30th September 1937. The extension asked for was granted in Government Proceedings dated 18th September 1937, L.4-19676/1112, Law and Justice Department.

4. We have held, in all, 26 meetings, 12 of which were devoted to the hearing and recording of evidence and the rest to discussion and deliberation among ourselves. We visited also the important towns for the purpose of interviewing the leading men and women of this State and have gathered a good deal of evidence, having examined as many as 156 witnesses. A list of these witnesses is appended. (Appendix I). For concentrating discussion and to elicit opinions directly on the various points involved in the enquiry, we had, at the very outset, prepared a brief questionnaire, setting forth the main points on which we desired, considered answers from those who have bestowed some thought on these matters. The questionnaire was published in the Cochin Government Gazette and in all the Cochin Newspapers. It was also placed in the Press Room and was published in the Madras Dailies. Copy of the questionnaire is appended. (Appendix II). The questionnaire was widely distributed and we are glad to state that the response has been prompt, generous and representative of all shades of opinion. We have had the benefit of opinions of representative associations as well as of selected officials and non-officials. We received in all as many as 478 written representations, 294 from leading individuals, 105 from representative associations, 42 from the Panchayats of the State, 3 from the Municipalities and 34 in the shape of resolutions passed at public meetings. A list of these representations is appended (Appendix III).

5. It is manifestly impossible within a reasonable compass to summarise the purport of all this enormous mass of opinion, much less of the constant and voluminous discussion in the Press and on the Platform, which the enquiry has attracted in recent months.

6. We acknowledge here with grateful thanks the great help and encouragement which we have received from the Government and the public in the discharge of our duties. We desire also to place on record our deep appreciation of the assistance which we have derived from all those who have been good enough to appear before us and give us the benefit of full and frank discussions on the points raised. Their advice and co-operation have been of invaluable help to us. Our special thanks are due to the officers of the Revenue Department and of the Municipalities for the quick and ready manner in which they have collected statistical information for us on the many important matters that were referred to them; and to the Secretary and Staff attached to us, who have by dint of hard and faithful work, lightened our labours to a very great extent.

7. It is, we think, highly desirable, in the interests of clear perception of the points in issue and correct understanding of our proposals, that we should set out here the terms of the reference to us. They are as follows:

I. Should there be any addition to the existing qualifications for voters, and if so, what?

II. Should any or all the qualifications be lowered, and if so, to what extent? and

III. Is any redistribution of the existing constituencies necessary, and if so, what is the redistribution that the Committee would recommend? (In making recommendations for the redistribution of constituencies, the existing number of elected seats should not be exceeded).

8. At our preliminary meeting, a question was raised whether we would be in order, in dealing with the third term of reference, if we made recommendations to abolish any of the old constituencies or create new ones, general or special, without affecting the total number of elected seats, and to make provision for communal seats by reservations in the general constituencies. We, therefore, made a reference to Government for a ruling on these points, and the Government have ruled that we could do so, if we thought it necessary.

9. We propose to deal with the terms of reference, in the order in which they have been set out above. We think that it is only fair that we should point out at this stage that we have, generally, taken as our guide the leading principles enunciated in the learned and luminous reports of the two statutory committees, the Indian Franchise Committee and the Indian Delimitation Committee. We must, however, point out that in shaping our conclusions, we have taken note, wherever necessary, of the differences in the conditions, political and social, prevailing in British India and in this State. We are happy to find that except upon the question of Adult Franchise, on which our colleague Mr. K. Ayyappan holds a different view, and upon the question of the special representation to the Muslims on which our colleague Dr. A. K. Kunhalu disagrees with us, there is a general concurrence of opinion among us, upon most, if not all, the points coming up for our decision.

I. SHOULD THERE BE ANY ADDITION TO THE EXISTING QUALIFICATIONS FOR VOTERS, AND IF SO, WHAT?

10. The only additional item of qualification proposed or suggested by the evidence recorded by us has reference to the enfranchisement of the Verumpattomdar in the State. The evidence discloses a sharp divergence of opinion upon this matter. Those who advocate the cause of the Verumpattomdar are obviously influenced by the fact that in the southern parts of the State at all events, though the tenure of the Verumpattomdar is in law precarious, there are very many benevolent landlords (notably the V. T. K. Estate and the Paliam), who very seldom resort to eviction, with the result that the verumpattom holding commands an appreciable market value. On the other hand those who are against the admission of the verumpattom tenancy as a qualification for the suffrage, direct their attention to its legal aspects, and urge that in point of law

it is worth nothing and can have no appreciable market value. The fact that verumpattom holdings under certain Jenmies command an appreciable market value, they say, is a pure accident depending entirely upon the benevolence of those landlords. A verumpattom tenancy with a stipulation for any sort of fixity of tenure is a matter of very rare occurrence in the State. The comparative immunity from eviction enjoyed by a fortunate few among this class of tenants is entirely dependent upon the good-will of their landlords. It is only, as a species of landed property, that the eligibility of verumpattom tenancy as a qualification for the franchise, can be upheld. In its strict legal aspect, its precarious character deprives it of all real market value. The chances are that all substantial verumpattom holders will come under the one or the other head of property qualifications. The administrative difficulties in the matter of preparing a reliable list of this category of tenants must, in the very nature of things, be well nigh insuperable. We are, for the foregoing reasons, against recognising verumpattom tenancy as an additional head of qualification for the franchise.

11. Another proposed additional head of qualification has reference to the special constituency accorded to Commerce and Industry. The idea was brought into prominence by the claim for special representation made on behalf of the Cochin Chamber of Commerce and the Merchants' Association at Mattancheri. We think that organisations of the kind conducted on proper lines must be in a position to bring to bear upon the deliberations of the Council valuable technical advice and information of a representative character upon questions pertaining to Commerce and Industry. We think that the claim of Associations of the kind for representation in the Council, either direct or indirect, is quite eligible. In the present condition of the development of organisations of the kind, the recommendation that we would make to the Government is that each of such associations as the Government may be pleased, from time to time, to recognise for the purpose, be allowed a vote in the special constituency, to be exercised through a duly authorised representative. In other words we would recommend the addition of a 6th head to the several qualifications prescribed by Rule 12 for the special constituency of Commerce and Industry:—
(f) "The representative duly authorised in writing, of any Chamber of Commerce, Merchants' Association, or other such association as the Government may, from time to time, recognise for the purpose."

12. No other tangible additional heads of qualification were suggested in the evidence, and we have to recommend none.

II. SHOULD ANY OR ALL THE QUALIFICATIONS BE LOWERED, AND IF SO, TO WHAT EXTENT?

13. It must, we think, be readily conceded that the starting question for consideration and decision, in an enquiry into this matter, is the question of the grant of Adult Franchise. After a careful and anxious consideration of the question in all its bearings and after an intensive study of the evidence relating to it, we have, Mr. K. Ayyappan alone dissenting, come to the conclusion that the time has not come for the immediate introduction of Adult Franchise. The demand by the witnesses examined, for manhood suffrage has been however, so persistent and large and the proposal itself is so apparently attractive that we think it is our plain duty to set out here, briefly and succinctly the reasons in support of our finding. Common prudence also dictates the same course, as we fully realise that our decision on this matter would furnish an attractive target for criticism from all those who differ from us.

14. A critical examination and analysis of the evidence before us have demonstrated one striking fact, namely, that there is substantial agreement among the advocates of Adult Franchise, in the reasoning employed and the arguments advanced, in support of the recommendation for its adoption. Briefly put, these arguments appear to us to be the following:—

(i) In the matter of franchise, Cochin, which is educationally more advanced, is at present far behind the adjoining British Indian territory, where every literate is given the right to vote.

(ii) The voters enfranchised by enlargement of the franchise in the manner proposed are capable of exercising the franchise intelligently, and properly

“due to the political consciousness engendered by the healthy influence of the educational attainments of the State”.

(iii) It is the natural or inherent right of every citizen of the State to claim a voice in the choosing of representatives to the Legislative Council.

And

(iv) The immediate enfranchisement of all adults is necessary as a first lesson in political education.

15. Two of these arguments can, we think, be easily disposed of. Taking for instance, the last one first, an argument which in effect involves the immediate grant of a certificate of fitness for the franchise, as an aid to the ultimate acquisition of the requisite qualification for its exercise, does not appear to us to be of much persuasive efficacy. Nor are we much impressed with the invocation to the inherent or natural right of every citizen to the suffrage; for, as has been observed on high authority, “when we speak of the natural right of an individual, the individual thus envisaged was regarded as an independent, self-sufficient, freely-acting entity, without social or economical relationships, except those which originated in his self-interest and which were created by his private activity, unaided and unimpeded by the State. Thence naturally flowed freedom of candidature and the universal franchise.” Not even the most doughty champion of Adult Franchise would dare to suggest that the description applies even remotely to the average adult citizen of this State. Even granting that the argument based on the inherent right of every citizen to have a vote, is theoretically accurate, it is, we think, undesirable to accept it as a working principle of electoral politics without qualifications or limitations suited to the varying conditions of different countries.

16. The attempt to base the demand for adult voting, upon the high level of literacy which the State has attained, is equally unconvincing. The fallacy involved in the assumption is that every literate can be taken to be politically conscious to the extent that he can use the franchise, intelligently and properly. It has to be pointed out also that the level of literacy in the State, however high it may be compared with the rest of India, does not appear to come anywhere near the level reached by the western countries where the principle has been adopted in its entirety or by the neighbouring Ceylon where literacy stands as high as 50 per cent.

17. There remains then only the argument based upon the alleged existence of the requisite political consciousness among the class of population that would be enfranchised as the result of the grant of adult franchise. Every right thinking person should concede that, if the requisite political consciousness exists, there can be no excuse at all for with-holding the franchise from all those who have attained manhood; for it is a matter of common knowledge that the principle of adult franchise has now been accepted by all the politically advanced countries of the west. The great difficulty, however, is in accepting the truth of the underlying assumption of the basic fact. Neither the evidence before us nor our experience of the political and social conditions of this State, emboldens us to state that the average citizen of this State has had that training and political experience which justifies the grant of the franchise to him, to the fullest extent. The great mistake which the advocates of adult franchise here seem to make is in their assumption that political conditions in the State are the same as elsewhere. What is very often forgotten is that it took the western countries centuries for the development of the franchise in the direction of the abrogation of all electoral inequalities. There is also an absence of all communal differences and social disharmonies, in the west, in the form in which they unfortunately appear here. We have observed also, on a careful reading of the evidence, that the advocacy of adult franchise has, in the case of many, taken the form of an appeal to its ‘schemistic perfection’ rather than to its practical utility. While fully appreciating the view point of those who advocate adult franchise as the ideal, we are sceptical about its practical utility, in the imperfect state of political education of the large majority of the adult population. We have to content ourselves until such time as the average citizen has had more experience in the use of the responsible vote, with making recommendations for the increased association in some other manner, of the citizens in the elections, with a view to the progressive realisation of adult

or manhood suffrage. It is not enough in our opinion for everybody to have a vote. It is necessary that he or she should know to use it 'with perception and with effect.'

18. Our conclusion on this matter is fortified by the view taken by many leading men and women of the State, whose experience of the conditions of the State is as vast as it is varied. His Excellency the Catholic Bishop of Trichur has, in answer to our request to give us evidence, told us that the "Franchise reform now contemplated should be a definite step forward towards adult franchise". His Excellency does not advocate its immediate introduction into the State. Again Sir C. V. Ananthakrishna Ayyar, intimately familiar with conditions here as well as in British India, says in his answer to our questionnaire "that it is not advisable to have adult franchise at present in this State. No doubt that is what is to be aimed at". H. H. Rama Varmah, 12th Prince of Cochin, observes as follows: "I am of opinion that the ultimate goal should be the enfranchisement of all adults who can read and write, but for the time being till at least all get primary education, it will be impracticable and inadvisable to make any further changes". Mrs. T. Verghese, B. A., as Secretary, Y. W. C. A., Ernakulam, writes that "the time for adult franchise is not yet come." Mr. U. Kandar Menon, Retired Diwan Peishkar and the Chairman of the last Franchise Committee, in his memorandum to us says that "a careful and anxious consideration of the question in all its aspects would show that its immediate introduction amongst a people, the majority of whom by reason of illiteracy or other causes, have not the political consciousness to understand and appreciate the significance of their votes and to form an independent judgment in the exercise of their right of franchise, is beset with many practical difficulties and would even defeat the very purpose for which the right of adult franchise is proposed to be given."

19. We entirely agree with the observations extracted above. So far as we have been able to gauge, the general masses of the population do not chafe at the restraints on the exercise of the power of voting and, in our opinion both abstract reasoning and the weight of competent testimony, converge to the conclusion that it would, on the whole, be better to leave it to be won, after a little more political education and after the angle of vision of the average citizen has shifted, in matters political, from community welfare to the broader field of national welfare.

QUALIFICATIONS FOR THE GENERAL CONSTITUENCIES.

20. We entirely agree with the Government that the time has come for lowering these qualifications. We are unanimous in thinking that the advance must be a generous one. We, therefore, recommend that the tax qualification might be lowered and the electorate enlarged by giving a vote to all people who pay any tax to the State or to a Municipality. The qualifications now in force will be seen, on examination, to fall into two main divisions, property qualification and educational test. The first four of the several heads of qualification prescribed by the rules in force (Schedule II of the Legislative Council Electoral Rules) relate to the ownership of landed property or an interest therein, and the standard adopted is a land revenue assessment of Rs. 5 or more. We recommend that this standard may be uniformly reduced to "any assessment". Similarly in the case of ownership of fishing stakes provided for by Rule 4 (g), we recommend a reduction to the payment of "any revenue".

As to Rule 4 (e) in the place of a Municipal tax of Rs. 2 or more we recommend the substitution of any tax, Municipal tax being understood for the purposes of this rule as not including tax on animals, vehicles and Companies.

As regards Rule 4 (f) we think that the rental value of Rs. 30 fixed therein is too low and that the same may, in the interests of uniformity, be raised to Rs. 60. The matter, we realise, is strictly beyond the purview of this reference, but we think that this should not prevent us from bringing it to the notice of the Government.

Rule 4 (i), (k) and (l) do not, in our opinion, call for any alteration.

As to Rule 4 (j) we recommend a broadening of the franchise by substituting the following for the existing rule :

"Is a qualified medical practitioner not below the grade of (1) an L. M. P., (2) an L. I. M., (3) the holder of a Veterinary diploma, (4) an Ayurvedic medical practitioner recognised by the Government in this behalf and (5) such other similar tests as might, from time to time, be recognised by the Government in this behalf."

21. But for the fact that a few of the witnesses examined by us (a comparatively negligible proportion) advocated the abolition in toto of property qualifications and the adoption of the system of adult franchise or in the alternative the literacy qualification, we would not have thought it worthwhile to say anything by way of justifying the retention of the property qualifications. In all countries where the principles of popular Government obtain, property appears to have, from the outset, been the main foundation of the franchise. It is a system with which the people of the State have been familiar ever since the principles of Local Self-Government were first introduced. The bulk of the evidence recorded appears to be in favour of retaining the property qualifications. The principle, moreover, that those who directly contribute towards the expenses of the administration, should have a voice in the Government is, in our opinion, one to be upheld as just and reasonable. Unlike people who own no properties, the propertied classes have a large stake in the country and its proper government.

22. There remains the question of the Educational qualification. We recommend, as a further step in attempting to give as broad a base as possible to the Council, that the educational qualification might be lowered by extending the franchise to all those who have passed the School Final examination and have become eligible either for public service or for college admission. We would include, for purposes of the right to vote, in the term School-Final, its equivalents such as (1) Cambridge Senior, (2) Matriculation, (3) Oriental Titles examination, (4) Sanskrit Pandits' examination, (5) Bhusnana examination, (6) Malayalam Pandits' examination and (7) such other tests as may be prescribed by Government, from time to time, in this behalf.

23. A fair percentage of witnesses examined by us have expressed themselves in favour of the grant of the franchise to all literates i. e., to those who are able to read and write in any language, usually prevalent in the State. Our colleague Mr. K. Ayyappan shares this view, Messrs. P. C. Varkey and Dr. A. K. Kunhalu are in favour of a different test, viz., the completion of primary education as evidenced by the passing of the 4th class examination. The demand for fixing bare literacy alone as a determinant of the right to vote has caused us no surprise, but on mature consideration and regard being had to the preponderance of evidence in favour of the School Final Test, as above defined, we have come to the conclusion that literacy by itself should not be made to sustain the right. Ascertainment of literacy in disputed border line cases is not so easy a matter as is commonly supposed. It cannot wholly be satisfactory in any case and where, as we feel, the number of literates, that would remain without a vote, after taking into account all those literates, who are otherwise qualified according to the existing rules, would be relatively small, the disadvantages of inclusion of all literates in the rolls, become manifest. The justification for insisting upon the test recommended by us is to be found in the standard of culture which may presumably be expected to be found in the persons satisfying this test. It can fairly be expected to be such as will reasonably ensure a fair appreciation of the value and implications of the franchise and a discriminating exercise thereof. The task of selection or election of representatives to a Council of the nature and importance of our Legislative Council should not, we think be made to depend upon the possession of the bare ability to read and write one's own name or even a few lines but should be based on some such test as we have prescribed.

24. We believe that the proposals above made would suffice "to bring on to the roll the great bulk of the landlords, the tenants and the urban rent-payers and a considerable section of the poorer classes," as can be seen from Appendix IV. The increase in numbers by such a lowering of the electoral

qualifications would, on the whole, according to the statistics at our disposal be something like three-fold, which we consider quite a definite step forward and one calculated to guarantee that the Legislative Council is composed of members representative of the people at large and so constituted as "to ensure its constant and uninterrupted power to fulfil the constitutional obligations," that its members owe to His Highness' Government.

SPECIAL CONSTITUENCIES.

25. We have given careful consideration to the question of representation of special interests in the Council and in particular to the claims on behalf of labour made to us for providing for representation in the Council. We do not suggest any changes or material alterations in the number of seats now allotted to the special interests. We think that the existing provisions may be regarded as striking a just balance between the claims of the various interests and as affording an adequate representation to them.

26. We must not omit to point out here that quite a large number of people, who have helped us with evidence, written as well as oral, advocate the abolition of some or all of the special constituencies, now existing. The evidence recorded discloses several schools of thought, under this topic.

27. There are some who are for a total abolition of all kinds of special representation. The advocates of this course, belong exclusively to the school which demands absolute adult franchise. It is only as a logically inseparable adjunct of a scheme of adult franchise that they advocate such abolition. They do not want it unless the principle of adult franchise is accepted. Since we have already ruled out adult franchise as impracticable, it is unnecessary to pursue this aspect of the question any further.

28. A second aspect of the question is presented by the opinion of some who think that whatever may be the case with regard to the other special constituencies, some specified ones among them may be safely dispensed with. The representations specifically picked out by them for such treatment are those accorded to (1) Landholders, (2) Planters and (3) Commerce and Industry.

29. As to the Landholders' constituency, three of the members Messrs. P. C. Varkey, K. Ayyappan, and M. Sivarama Menon are for abolishing it, while Dr. A. K. Kunhalu remains neutral. The majority of the Committee, however, consisting of the remaining members, viz., the Chairman and Messrs. C. V. Antony, K. Achyutha Menon and A. Sivarama Menon are for retaining it. It is fairly beyond controversy that the landholders represent a distinct special interest which should be represented in the Council. The main argument urged in support of the proposal to do away with the special representation secured to that interest at present is that the landholders have always found it possible to be returned through the general constituencies in numbers sufficient to adequately represent the interest. The majority of the Committee, however, think that it is not a dependable factor in view of the modern tendencies and more particularly in view of the fact that the very liberal broadening of the franchise which the Committee recommend must necessarily result in the representation in the Council becoming more and more popular in character. They apprehend, moreover, that the abolition of this special representation so long enjoyed, at a time when the country is increasingly busy with agrarian legislation of various kinds and when the representation accorded to other similar interests is retained, would give rise to a legitimate sense of grievance.

30. Regarding the Planters, we think that they represent an interest with some special and distinctive characteristics about it. Moreover, this constituency is the only avenue through which the European element in the State gets a chance of entry into the Council. After careful consideration, we are unanimously of opinion that this head of special representation should also be continued.

31. Coming next to the last of the series, viz., Commerce and Industry, our colleagues Messrs. M. Sivarama Menon and K. Ayyappan are for abolishing the special representation now accorded to this interest. The rest of us are for retaining it. This seat, which was once abolished, was revived upon the recommendations of the Franchise Committee appointed in 1107. The weight of the evidence recorded by us appears to be in favour of retaining it. It would be superfluous to emphasise the importance of securing the presence in the legislature of men competent to speak with knowledge and authority on topics of a semi-technical nature connected with trade, commerce and industry. The argument, however, is that the general constituencies may be relied upon for returning men of that type. We are unable to accept it. As so forcibly pointed out by the Indian Franchise Committee "While General Constituencies may not infrequently return individuals whose knowledge and experience is such that they can make contributions of value in discussions on commercial and industrial questions, those members speak primarily as representatives of their General Constituency, and they may on occasion find that the claims of that constituency are difficult to reconcile with a wholly dispassionate examination of particular economic issues. There is moreover no certainty that persons qualified to speak with authority on these largely technical matters will be returned through the General Constituencies".

32. The two new demands disclosed by the evidence recorded by us for addition to the list of the existing constituencies provided for special interests, are those represented by (1) Labour and (2) Women. We would have very much liked to find at least one seat for labour, but we gather from the evidence of even those who have strenuously advocated its cause, that there is no organised labour within the State, worth taking into account. In the absence of properly constituted labour Unions, and other accredited labour organisations generally, and regard being had, in particular, to the vastness and fluid character of the section of the people coming within the category of labourers, the difficulties of providing at present, for a defined Electorate are obvious. We are unable, in these circumstances, to recommend a special seat for Labour by election.

33. The question of special representation of women in the Council is one of undoubted importance. We are unanimous in thinking that, looking to the status of women in our society and the importance of the vital questions specially affecting their interests, and also to the fact that the franchise here has been extended to them to the same extent as men, it would only be proper that definite provision for their special representation be made in the Electoral rules, if it could be so done with the limited number of seats set apart for election. There has, however, been some difference of opinion among us as to the possibility of finding special seats for them with the limited number of elected seats available just at present. While two of us Messrs. K. Achyuta Menon, B. A., B. L., and Ambat Sivarama Menon, B. A., B. L., feel that it is by no means necessary to preserve intact the man-strength of the Council and that the difficulty pointed out should be met somehow and not allowed to stand in the way of the women getting what is their legitimate due, the majority have come to the conclusion that looking to the paucity of elected seats in the Council, and the absence of power to add to the number, they are constrained to recommend that the matter may be left to nomination by Government as now. The majority also feel that looking to the advance made by our women in all directions, the chances of their successfully contesting seats in the general constituencies are by no means remote.

34. Aiming at securing a liberal broadening of the franchise without at the same time impairing the distinctive character of each of these special interests we have agreed to recommend that the qualifications prescribed for these special interests may be lowered and modified as follows:—

(1) *Landholders' constituency.*—The land revenue assessment of Rs. 500 or more in rule 8 may be reduced to Rs. 250.

(2) *Planters' constituency.*—The qualifications of an elector, for this constituency, mentioned, in Rule 10 may be extended by taking in holders of not less than 75 acres of land in the Cochin State for the purposes mentioned in the Rule.

(3) *Commerce and Industry constituency*.—Add a new clause to Rule 12 as follows:—“or is a representative of a Chamber of Commerce, Registered Merchants Association, or such other associations recognised by Government for this purpose.”

COMMUNAL REPRESENTATION.

35. We now pass on to the question of communal representation. The principle of communal representation has already been recognised and given effect to by the Government to some appreciable extent. Upon this question a very acute diversity of opinion is seen manifested in the recorded evidence. This is quite intelligible and to some extent even inevitable. The question of the adoption of a principle of representation calculated to give each leading community its due share, without at the same time either impairing the general efficiency or practical utility of the Council and without tending, in however slight a degree, towards the perpetuation of communal differences and inequalities, which every right thinking man deplures, is one beset with difficulties on all sides. It is a problem which has given trouble to even the best brains in India, and it has now come to be generally recognised that, in the nature of things a perfect solution is impossible, so long as we are imperfect ourselves. The difficulty is aggravated to a large extent by the extreme nature of the views propounded by many of the representatives of the leading communities. There are some uncompromising leaders of thought, who take their stand upon the outright abolition of all communal representation and who are for leaving every community to take its chance, along with others, in the general constituencies. There are on the other side the leading representatives of some of the numerically large communities, who claim not only special seats for themselves but seats in mathematical proportion to their numbers. There are yet others, mostly representatives of the minority communities, who stoutly maintain that population should not be the basis of distribution of seats, but that the leading factors for guidance should be the importance of the community as a whole and its ability or inability to get adequate representation through the open door of competition in general constituencies. Another phase of opinion is represented by the stand taken by some of the major sub-communities, who claim special seats, basing the demand in some cases on social differences and inequalities within the main body to which they belong, in some cases on the importance of the profession which they, as a body follow, and in some other cases on considerations which are not very easy either to define or to follow.

36. Amidst this general welter of competing claims and irreconcilable differences of opinion, the need for accommodation of some sort, as the price of an enduring peace, becomes evidently imperative and, it is, in this frame of mind, that we have ventured to approach this subject. There can, in our opinion, be no doubt that the tendencies of special communal representation are always inimical to the growth of a healthy, national outlook which is, or should be, of the essence of sound citizenship. We deplore, along with many others, the exhibition of communal feelings and prejudices in an unreasonable form, by any community in making demands for representation in the Council, and we agree that the ideal to be kept in view, in evolving any scheme of representation, is the ultimate elimination of all these differences; but we doubt very much the political wisdom involved in the suggestion to immediately abolish all special representation. We believe that special representation to a limited and reasonable extent, of classes and interests should continue for some time more until the rising tide of nationalism and a more extended use of the franchise sweeps away all vestiges of communal feelings and prejudices which undoubtedly exist at the present time to an extent which we feel we must not ignore. In so doing, we derive consolation from the fact that this was also the line of action that was taken in British India and elsewhere. As pointed out by the Indian Franchise Committee “under all democratic systems it is the interests of those who are represented which tend to receive consideration, while the interests of those who are not represented are liable to be ignored, both at election time and afterwards.” If, therefore, there are as a fact communities which, for any reason, are in danger of not being able to secure their representation in the Council through open competition; a *prima facie* case for ensuring to them reasonable representation through some such device has to be taken to have been made out. In view of the fact that, as per the latest Census figures, there are as many as 123

communities and sub-communities within the State, all that is reasonably practicable is to ensure "that no important section of the community should be deprived of the opportunity of making its needs and aspirations felt in the legislature"—the broad principle aimed at by the Indian Franchise Committee.

37. The question as to what our recommendations should be with regard to the extent to which the principle should be accepted and to what communities special treatment should be accorded, has been the one which has given us most anxiety and trouble. Upon a question of so difficult a nature, there is naturally scope for wide divergencies of opinion, and a wholly satisfactory or logically perfect solution is in the nature of things extremely difficult. In attempting to find a solution, we may be permitted to state that we have aimed at securing three main objects and have moulded our proposals accordingly. Those objects are.—

(1) The ensuring of a reasonably adequate representation in the Council to, at all events, all the important major communities ;

(2) The avoidance as far as possible, of legitimate discontent in any numerous section of the population ;

(3) The elimination, as far as possible, of factors tending towards exciting and aggravating communal feelings and antagonisms.

38. As to the exact quantum of that representation we may at once state that we cannot subscribe to the view that it should be in the exact proportion which the population of the particular community bears to the total population of the State. We, however, recognise that along with the relative voting strength and the exact method recommended by us for securing this special representation population is an important factor for consideration. After very anxious and careful consideration, we have come to the conclusion that special communal representation may be provided for, in the case of three communities, the Ezhuvas, the Muslims and the Latin Christians.

39. *The Ezhuvas.*—They form one of the main communities of the State. They are a fairly advanced and progressive community and their importance as a distinct community is unquestionable, from whatever point of view it may be considered. They represent as per the figures of the latest census 2,76,649 out of a total population of 12,05,016. Their voting strength, as disclosed by the statistics we have gathered appears to be disproportionately low compared to their numbers. Their social problems and needs do not coincide with those of a large body of Other Hindus; and in the present condition of things, the chances are that members of this community may not, in open competition, be able to come into the Council in numbers approaching anywhere near a reasonable representation of the community. After careful advertence to these and other relevant facts we have decided to allot to them instead of the two which they now have five seats with communal electorates and no right of voting or standing in the general constituencies. We firmly believe that the exigencies of fair and adequate representation entail this increase and no more. We are much relieved to find that this arrangement has given satisfaction to our colleague Mr. K. Ayyappan.

40. *The Muslims.*—The position of Muslims is substantially the same. They represent another important major community of the State with a population, as per the latest census, of 87,902 out of a total of 12,05,016. Here again the voting strength of the community is disproportionately low. Their claim to special representation, based on differences, social and religious from other communities, cannot reasonably be denied. We recommend that they may be given two seats with, as in the case of Ezhuvas, communal electorates and no right of voting or standing in the general constituencies. A word of explanation is here necessary in view of the general attitude of Muslims in this matter, as stated by our colleague Dr. A. K. Kunhalu. It was pointed out to us by our colleague that the Muslims require or desire two special seats certain, with also the liberty to vote and contest in the general constituencies. In the event of our being unable for any reason to accede to the demand, he points out that the Muslims do not wish for any disturbance of the existing state of things where they have one seat certain, and the liberty to take their chances in the general constituencies. This

mixture of communalism and non-communalism, if we may so put it, does not commend itself to us, more especially in view of the general scheme encompassing our proposals and in view of the necessity of ensuring the smooth working of the elections in the general constituencies. We would have been glad if they had entirely abandoned their claim for a communal seat and had expressed their willingness to participate with the other communities on level terms, but, demanding as they do special representation on communal lines, we think that the best course is to give them two special seats, regard being had to all relevant considerations and provide for them, as in the case of other communities to whom special seats are guaranteed, special or communal electorates and not to allow them any voice in the elections to the general constituencies. Communal claims we understand; the opposite or the negation of it, we admire: but an incongruous blend of these we can neither understand nor admire.

41. *The Latin Christians.*—They form another community, or to be more accurate; a sub-community who have demanded special seats for themselves. We must frankly state that we have always felt the greatest difficulty in reconciling ourselves to this demand, and if eventually we have decided to accede to their wishes to a certain extent, it has not been without some reluctance. There are, however, in regard to this community, certain circumstances which, on mature consideration, we think, we should not lightly ignore. We find from the evidence that even members of other leading sub-divisions in the Christian community itself are not opposed to giving them separate representation on the ground that they are separated from the rest of their co-religionists by social customs and even differences of religious rituals. It is also undesirable that they number over a lakh and are struggling to take their proper share in the political life of the State. In giving effect to their aspirations for special representation in the Council we believe also that there would be no danger of trenching upon the legitimate rights of others. In their case also their voting strength seems to be disproportionately low. It seems to be also the case that they are not quite so advanced as their brethren, the Romo Syrians and other advanced sections of the Christian community. The chances appear to be that this community would not find it possible to return through open competition candidates in numbers bearing a fair proportion to its population or voting strength. In the neighbouring State of Travancore, where the position of this community appears to be substantially the same, they have succeeded in securing special representation. So also in the classification of communities adopted by the rules for the guidance of the Staff Selection Board in our State, this community has been placed upon the footing of a distinct and independent community. There are thus facts calculated to produce a bona fide belief and expectation on the part of the community that the special representation claimed by it will be accorded to it as its legitimate due. In view of these facts, we recommend that they may be given 3 seats, with communal electorates and no right of representation in the general constituencies. It is a source of great satisfaction to us that our colleague Mr. P. C. Varkey has expressed himself as satisfied with the provision thus made.

42. *The Jews.*—We are agreed upon the abolition of the special seat for Jews, not because we are not alive to the importance of that community, but regard being had to their numbers (1,451 out of 12,05,016) and the general ability of its leading representatives to successfully contest the seats provided for the areas, where they congregate, the provision for a special seat would, in their case, be unnecessary. We may also state that one section of the community has gone to the extent of suggesting that nomination would be the proper mode of securing representation to this community.

43. Several of the other communities, major and minor, have each demanded separate communal representation, such as (1) Pattarya, (2) Tamil Christians, alias Vannians, (3) Tamilians, (4) Namboodiris, (5) Tamil Brahmins, (6) Chaldean Christians, (7) Kudumi-Chetties, (8) Pulayas, (9) Kammalars, (10) Valas cum Arayas, (11) Ezhuthassans (12) Anglo-Indians and (13) Saraswath Brahmins. There are, as already stated, as many as 123 different communities with varying degrees of population. While we view with sympathy the aspirations of all communities struggling to come up and take their share in the political

life of the country, it would be an obviously impossible task to ensure a definite share of representation to all the various communities. The population of the State may be roughly classified under the following main categories: Caste Hindus, Christians, Muhammadans, Pzhuvans, Backward communities and Depressed Classes. So far as the Depressed Classes such as Pulayan, Kanakkan, Sambavan, Vettuvan, etc. (who account for 1,54,230 out of the total population of 12,05,016) are concerned, they are in the nature of an infant community or a community which has not emerged from the stage of State protection. They are for the most part illiterate and without any political consciousness. Their voting strength is negligible. It would do no good either to that community or to the public at large, to give them representation in the shape of a special communal electorate. The best mode of safeguarding their interests would be by a system of nomination.

44. The position of the backward communities is no doubt somewhat better, and some among them notably the Valas cum Arayas, would appear to be rapidly progressing. They are really composed of two communities, Valan and Arayan, numbering respectively 11,684 and 6,574. The only apparent justification for grouping them together is their common avocation of fishing. Indeed, we had representations made to us by members of the Araya community that the grant of a special electorate for Valas cum Arayas would practically mean one in favour of the former and that the Araya community would, therefore, prefer a system of nomination by rotation. The numerical strength of none of these several communities individually appears to be such as to afford even a *prima facie* support to the demand. The Committee think that in the case of all these backward communities also the proper method of securing their representation is by nomination.

45. In point of numerical strength the several castes and sub-castes making up the Caste Hindu population (except in the case of Tamil Brahmins) do not appear to stand on any higher or better footing. For the most part they represent advanced communities presumably alive to their interests and competent to safeguard those interests. In their case, moreover, even though it cannot be said that communal feelings and communal differences interest do not exist to any extent, their intensity is not likely to be very pronounced or disturbing. Substantially identical remarks apply also to the numerically minor but otherwise advanced sections of the Christian community. In the common interests alike of the Caste Hindu population as a whole and the Christian community in general, these small communal differences will necessarily have to be adjusted and compromised, and we confidently hope that the important minor sections of both the Caste Hindu and Christian communities will find it within their power to procure recognition of their legitimate claims and that the predominant sections will find it to their advantage to accord such recognition.

46. Some of the witnesses examined at Nemmara and Chittur proposed for the purposes of a special representation, the amalgamation into one group, under the designation of Tamilians, all the alien non-Brahmin Hindus, that is to say, of all non-Brahmin Hindus speaking any language other than Malayalam. The proposed group is altogether artificial, and there can be but little in common among the several component units. The demand is patently untenable and cannot be sustained on any logical grounds. The claim for special representation made on behalf of the Vannians who form a small Latin Christian community living mostly on the British borders of the Chittur Taluk is perhaps not without some *prima facie* good grounds in its support. They form a very peculiar community. Though Christians in religion, they are governed by Hindu law. In point of numerical strength, however, they form an extremely small minority, and they appear for the most part to be illiterate and without any political consciousness. We find ourselves unable to recommend their request for the acceptance of the Government.

47. Coming next to the method of securing this special representation there are two practical courses which can be suggested, viz., (1) by reservation of special seats in some suitable general constituencies and (2) by the creation of special communal electorates. The latter is the system now in operation here. Upon the question of a choice as between them there is much to be said in favour of either system. While the system of reservation tends towards ensuring the

return of a candidate who has the approval of all the voters in the constituency the rival system enables the return only of a candidate exclusively of the particular community's choice. Looked at from the stand-point of democratic principles, the former is theoretically an advance and the latter is in the nature of a lapse; we have, however, viewing the matter in its practical aspect, come to the conclusion that the more prudent course would be to give full effect to the principle of communal representation. That would have at least one obvious merit, namely that the community would be in a position to return members of their own choice without the possible risk of the election being subjected to the evil influence of communal feelings and animosities. The Committee are, therefore, upon the whole, for the continuance of the system of communal electorates so long as the retention of special communal representation should be considered necessary.

48. Another question of prime importance emerging for consideration in this connection is whether the voters in the communities whose representation is secured by means of special communal electorates should be accorded the additional privilege of voting and contesting in the general constituencies. Under the existing arrangements such privileges have been accorded. The question is whether they should be perpetuated or discontinued in the light of the proposals now made. To our thinking, the system has certain inherently evil and mischievous tendencies. Voters of these specially protected communities who, in many instances, happen to be numerous, very often find themselves in a position in which they stand to lose nothing by giving free play to their communal jealousies and animosities. Very often they get the whip hand over the competing candidates and are in a position to dictate terms. In such a state of things there is scope and motive not only for corruption but also for an altogether improper and mischievous use of the franchise. The system would thus appear to be full of potentialities for evil. The chances of a fair election fight are minimised. The issue of election contests will often be reduced to a precarious uncertainty of a kind calculated to deter candidates of approved merit and competency from freely offering themselves. Very often the success of the candidate who fortunately comes through will be found to be traceable not to his merits but to other doubtful reasons. Our apprehensions in this connection find confirmation in the actual election experiences of respectable witnesses examined by us. The majority of us are, for the foregoing reasons, definitely of opinion that the voters belonging to particular communal electorates should not have the additional privilege of either contesting or voting in the general constituencies.

RECONSTITUTION OF CONSTITUENCIES.

49. We pass on to the reconstitution of constituencies necessitated by our proposals detailed above. Any scheme of delimitation must, we think, be normally based upon the existing administrative divisions. The importance of a constituency or its delimitation cannot, we think, be made to depend on or be measured by any single factor but, should be judged by a combination of factors, such as population, estimated number of voters and other local conditions, not excepting geographical considerations. Keeping these principles in mind and in the light of the changed conditions resulting from our proposals set forth above, we would recommend that the existing constituencies may be remodelled and reconstituted as follows. We might point out here that in proposing this scheme of delimitation we have not omitted to consider the claim made by the Irinjalakkuda Municipality for special representation. But consistent with our scheme of delimitation where there is no scope for a differentiation between the so-called urban and rural areas, the claim which is not sustainable on any other grounds, has to be held to be untenable.

Serial No	Name of constituency	Class of constituency	Extent of constituency	No. of members
	Kanayannur	General	The revenue villages of Thekkumbhagam, Thiruvankulam, Kureekad, Kanayannur, Mulanthuruthi, Edakattuvayal, Amballur Keechery, Kaippattur, Kulayettikara and Vadavukode of the Cochin-Kanayannur Taluk	

Serial No.	Name of constituency	Class of constituency	Extent of constituency	No. of members
2	Trippunittura	General	The revenue villages of Ernakulam and Elankulam (excluding areas within the limits of the Ernakulam Municipal Town) and the villages of Maradu Punithura, Kumbalam, Nadamel and Elankunnapusba of the Cochin-Kanayannur Taluk	1
3	Ernakulam	do	The area covered by the Ernakulam Municipality and the revenue villages of Mulavukad and heranellur (excluding areas within the limits of the Ernakulam Municipal Town)	1
4	Mattancheri	do	The area covered by the Mattancheri Municipality and the revenue villages of Mattancheri and Rameswaram (excluding areas within the limits of the Mattancheri Municipal Town) and the villages of Palluruthi, Kumbalanghy and Chellanam of the Cochin-Kanayannur Taluk	1
5	Narakkal	do	The revenue villages of Narakkal, Nayarambalam, Malayattur, Chowwara, Thekkumbhagam, Vadakkumbhagam, Kizhakkumbhagam and Kadamakkudi of the Cochin-Kanayannur Taluk	1
6	Cranganur	do	The revenue villages of Pullut, Lokamaleswaram, Methala, Eriyad, and Ashikode of the Cranganur Taluk, Edavanakad, Kuzhipilli, Pallippuram and Chennamangalam of the Cochin-Kanayannur Taluk and Edavilangu of the Mukundapuram Taluk	1
7	Kattur	do	The revenue villages of Karlam, Kattur, Porathisseri, Edathirinji, Padiyur, Madayikonam and Vallivattam of the Mukundapuram Taluk	1
8	Adur	do	The revenue villages of Poyya, Pallippuram, Madathumpadi, Vadama, Vadakkumbhagam, Kallur Thekkummuri, Kallur Vadakkummuri, Muringur Thekkummuri, Kakkulisseri, Kuruvilasseri, Thirunukkulam, Alathur, Kizhakkummuri, Melur and Muringur Vadakkummuri of the Mukundapuram Taluk	1
9	Chalakkudi	do	The revenue villages of Kizhakke Chalakkudi, Iadinjare Chalakkudi, Annallur, Potta, Perampira, Kallettumkara, Pariyaram, Elinjipra, Kodasseri, Mattathur and Kodakara of the Mukundapuram Taluk	1
10	Irinjalakkuda	do	The revenue villages of Thekkumkara, Karumathara, Kottanellur, Kaduppasseri, Velukara, Pullur, Poomangalam, Vadakkumkara, Irinjalakkuda, Manavalasseri, Alur and Thazakkad of the Mukundapuram Taluk	1
11	Nellayi	do	The revenue villages of Varandarapilly, Muppaliyam, Nellayi, Nandipulam, Chengalur, Amballur, Anandapuram, Muriyad, Kallur, Trikkur, Thorava, Thottippal, Nemmanikkara and Parappukkara of the Mukundapuram Taluk	1
12	Anthikkad	do	The revenue villages of Manalur, Karamukku, Padiyam Anthikad, Chazhur, Alapad, Kizhakkummuri, Vadakkummuri, Thaniam, Kizbupillikkara, Velutbur, Parakkad, Erava, Manakkodi, Pullu, Aranattukara, Koorkencheri and Chiyaram (not included within the limits of the Trichur Municipal Town), Ollur, Nadathara, Kurumpilavu and Ollukkara (not included within the limits of the Trichur Municipal Town) of the Trichur Taluk	1

Serial No.	Name of constituency	Class of constituency	Extent of constituency	No. of members
13	Oorakam	General	The revenue villages of Kanimangalam, Venginisseri, Kodannur, Pallippuran, Parlam, Cherpu, Oorakam, Arattupuzha, Chevur, Vallachira, Edakkunni, Avinisseri, Pallisseri, Marathakkara, Puthur, Kainur, Kozhukkulli, Mulayam, Mannamangalam, Inchamudi, Panancheri, Vellanikkara, Nettisseri and Madakkathara of the Trichur Taluk	I
14	Mulakunnathukavu	do	The revenue villages of Chalakkal, Tholur, Edakolathur, Kaiparamba, Anjur, Avanur, Thangalur, Velappaya, Choolisseri, Peramangalam, Chittalappilli, Adat, Puranat. tukara, Pullazhi, Ayyanthole (not included within the limits of the Trichur Municipal Town), Puzhakkal, Poonkundu, Kuttur, Pottore, Kolazhi, Killanur, Kuruchikkara, Viyyur, Vilvattam and Peringavu of the Trichur Taluk	I
15	Trichur Town (North)	do	That portion of the Trichur Municipal area covering part of A ward, north of Mukkattukara road, part of G ward north of Mukkattukara and Vaniampara roads, F ward, part of E ward west of Railway line, and north of Padinjare Nadakkavu road, part of D ward north of Chettiangadi road and between railway line and Manikandan (Karupadanna) road and part of C ward between Post Office road and Manikandan (Karupadanna) road north of Chetti-angadi road	I
16	Trichur Town (South)	do	That portion of the Trichur Municipal area not included in the Trichur Town (North) constituency No. 15	I
17	Vadakkancheri	do	The revenue villages of Velur, Puthuruthi, Mundathikode, Kilalur, Peringandur, Mnalur, Parlikad, Vadakkancheri, Eyyal, Eranellur, Chiranellur, Vellattanjur, Kumaranellur, Enkakad, Thekkumkara, Manalithara, Viruppakka, Karumathara, Kozhikkode, Akathiyur, Chiramanangad and Vellarakkad of the Talappalli Taluk	I
18	Cheruthuruthi	do	The revenue villages of Nelluvaya, Trichur, Arangottukara, Talasserri, Varavur, Pulakkad, Kottapuram, Chittanda, Attur, Mulurkara, Thayyur, Kariyannur, Nedunpura, Desamangalam, Pallur, Cheruthuruthy, Pynkulam, Panjal, Kadangode, and Perumpilavu of the Talappalli Taluk	I
19	Pazhayannur	do	The revenue villages of Chelakkara, Kurumala, Pangarappilly, Pulakode, Venganelur, Elanad, Vennur, Pazhayannur, Vadakkethara, Chelakkode, Kondazhi, Mayannur, Kaniarkode, Pampadi, Thiruvilluamala, Killimangalam and Thonurkara of the Talappalli Taluk	I
20	Kunnamkulam	do	The revenue villages of Kunnamkulam, Anjur, Arthat, Chowwannur, Kanipayyur, Chemmanthatta, Alur, Kandanasserri, Choondal, Mangad, Pazhanji, Kattakampal, Kadavalur, Kareekad, and Porkulam of the Talappalli Taluk	I
21	Nemmara	do	The revenue villages of Vallanghi, Nemmara, Potundi, Kairadi, Ayalur and Thiruvazhiyad of the Chittur Taluk	I
22	Chittur-Tattamangalam	do	The area covered by the Chittur-Tattamangalam Municipality and the portion of the Tattamangalam village outside the Municipal limits	I

Serial No.	Name of constituency	Class of constituency	Extent of constituency	No. of members
23	Chittur (Rural)	do	The revenue villages of Chittur (excluding areas within the Chittur-Tattamangalam Municipality), Nalleppally, Thekkedesam, Kuttippallam, Eravattamparapadi, Thenempadi, Ozhalapadi, Atte uathi, Kozhipadi, Kunnamkattupadi, Vadakarapadi, Kozbinjampara, Manjikunnam; adi, Eruthempadi, Valiavallampadi, Perumatti, Mulathara and Pattancheri of the Chittur Taluk	2
24	Land-holders	Special	Whole State	1
25	Planters	do	Whole State	2
26	Commerce and Industry	do	Whole State	2
27	Latin Christians (Ernakulam)	do	The area covered by the Ernakulam Municipality and the revenue villages of Mulavukad, Cheranellur, Ernakulam and Elankulam (excluding areas within the limits of the Ernakulam Municipal Town), Maradu, Poonithura, Kumbalam, Nadamel, Thekkumbhagam, Thiruvankulam, Kureekad, Kanayannur, Mulanthuruthi, Edakattuval, Ambalur, Keecheri, Kaipattur, Kula-yettikara and Vadavukode of the Cochin-Kanayannur Taluk	2
28	Latin Christians (Mattancheri)	do	The area covered by the Mattancheri Municipality, the revenue villages of Mattancheri and Rameswaram (excluding areas within the limits of the Mattancheri Municipal Town) and the villages of Palluruthi, Kumbalanghi and Chellanam of the Cochin-Kanayannur Taluk	2
29	Latin Christians (Cranganur)	do	The remaining revenue villages of the Cochin-Kanayannur Taluk not included in the Latin Christian constituencies Nos. 27 and 28 and the Taluks of Cranganur, Mukundapuram, Trichur, Talappalli and Chittur	2

N. B.—Tamil Latin Christians following Hindu Law will not be classed as Latin Christians for electoral purposes.

30	Ezhuvas (Cochin-Kanayannur)	Special	The Taluks of Cochin-Kanayannur and Cranganur	2
31	Ezhuvas (Mukundapuram)	do	Mukundapuram Taluk	2
32	Ezhuvas (Trichur)	do	Trichur Taluk	2
33	Ezhuvas (Talappalli)	do	Talappalli Taluk	2
34	Ezhuvas (Chittur)	do	Chittur Taluk	2
35	Muslims (South)	do	Taluks of Cochin-Kanayannur and Cranganur	2
36	Muslim (North)	do	Taluks of Mukundapuram, Trichur, Talappalli and Chittur	2

SUMMARY OF PROPOSALS.

50. Our proposals in regard to the various matters referred to us for enquiry and report may be summarised as follows:

GENERAL CONSTITUENCIES.

1. To lower the land revenue assessment qualification prescribed in rule 4 clauses (a) to (d) from Rs. 5 to any tax.

2. To reduce the qualification prescribed in Rule 4 (e) to any tax and to add the following explanation after this clause:

Explanation: Municipal tax in this clause does not include tax on animals, vehicles and companies.

3. To reduce the annual revenue of Rs. 5 in clause (g) to any annual revenue.

4. To recast clause (h) as follows:

"is one who has passed the School Final Examination (declared eligible for public service or college admission or both), and its equivalents, such as (1) Cambridge Senior, (2) Matriculation, (3) Oriental Titles Examination, (4) Sanskrit Pandits' Examination, (5) Bhushana Examination, (6) Malayalam Pandits' Examination and (7) such other tests as may, from time to time, be prescribed by Government in this behalf."

A. B.—Any adult of either sex who is duly qualified for the franchise under this clause and who wishes to go into the rolls should apply to the Registration Officer for the inclusion of his or her name in the electoral rolls.

5. No change in Rule 4 (i).

6. To recast clause (j) as follows:

"is a qualified medical practitioner not below the grade of (1) an L. M. P., (2) an L. I. M., (3) the holder of a Veterinary Diploma, (4) an Ayurvedic Medical Practitioner recognised by the Government in this behalf and (5) such other similar tests as might from time to time, be recognised by the Government in this behalf."

7. No change in clauses (k) and (l).

SPECIAL CONSTITUENCIES.

8. *Landholders' Constituency*.—To reduce the land revenue assessment of Rs. 500 or more in Rule 8 to Rs. 250.

9. *Planters' Constituency*.—To extend the qualification in Rule 10 to holders of not less than 75 acres of land in the Cochin State for purposes mentioned in the Rule.

10. *Commerce and Industry Constituency*.—To add a new clause (f) to Rule 12 as follows:

"or is a representative of a Chamber of Commerce, Registered Merchants' Association or such other associations recognised by Government for this purpose."

11. *Ezhwas*.—To give them instead of the two which they now have 5 seats with communal electorates and no right of voting or standing in the general constituencies.

12. *Muslims*.—To give them instead of the one which they now have 2 seats with communal electorates and no right of voting or standing in the general constituencies.

13. *Latin Christians*.—To give them 3 seats with communal electorates and no right of voting or standing in the general constituencies.

A. B.—Tamil Latin Christians following Hindu Law will not be classed as Latin Christians for electoral purposes.

14. *Jews*.—To abolish the Special Constituency for the Jews.

15. To delimit the constituencies as in para 49 *supra*.

CONCLUSION.

51. We fervently hope that the proposals above made would meet the necessities of the situation and that the result of our recommendation would be the effective representation of all shades of political opinion and thought and aspirations within the State.

Ernakulam,
29th September 1937.

We have the honour to be,
Sir,
Your most obedient servants,

- | | | |
|---|--------------------------------------------------|---|
| 1 | Mr. N. R. Sahasranama Ayyar, Chairman. (Signed.) | |
| 2 | " C. V. Antony. | " |
| 3 | " K. Achyuta Menon. | " |
| 4 | " M. Sivarama Menon. | " |
| 5 | " Ambat Sivarama Menon. | " |
| 6 | " P. C. Varkey. | " |
| 7 | " K. Ayyappan with a separate note. | " |
| 8 | Dr. A. K. Kunhalu. | " |
- (Subject to a dissenting minute).

POSTSCRIPT.

It is our very pleasant duty to place on record our heartfelt and grateful acknowledgment to our Chairman whose long and varied experience has been of very great value to the work of the Committee. Not only did our Chairman preside over every sitting of the Committee at considerable personal inconvenience but he also gave his closest attention to all important details connected with our work. The speedy and satisfactory termination of our labours is solely due to his wise and effective guidance. We thank him sincerely from the bottom of our hearts.

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|----|-------------------------|-----------|
| 1. | Mr. C. V. Antony. | (Signed). |
| 2. | „ K. Achyuta Menon. | „ |
| 3. | „ M. Sivarama Menon. | „ |
| 4. | „ Ambat Sivarama Menon. | „ |
| 5. | „ P. C. Varkey. | „ |
| 6. | „ K. Ayyappan. | „ |
| 7. | Dr. A. K. Kunhalu. | „ |

Dissenting Note to the Report of the Franchise Committee.

Though I feel glad that I am able to agree with my colleagues in most of their conclusions, I am constrained to submit a note of dissent on a point vitally affecting the interests of the Muslim Community.

I cannot but take strong exception to the majority view that the Muslim Community should be deprived of its right to vote in general constituencies. By allotting two special seats alone, the Committee has not done full justice to the community especially in view of the facts that Muslims though small in number, have comparatively greater share in replenishing the State coffers, and that their present low status in general education and enlightenment entitles them to some sort of preferential treatment. Even at the risk of losing one special seat the community cannot forego its right to vote in the general constituency and be a party to a highly retrograde step of keeping different communities in water-tight compartments. The anxiety that the Muslims should not be excluded from general constituencies is the result of a feeling that the inter-dependence and the inter-relation of the different communities of the State in the exercise of franchise are conducive to the development of healthy principles of civic life. It is not so much the prospect of securing any additional seat from a general constituency, which should be deemed very remote in the light of the conclusions of the Committee regarding the franchise qualifications and departmentalisation of communities, as our anxiety to build up healthy intercourse between communities, that Mussalmans demand the right to vote in general constituencies. It is for this reason that I insisted that the existing provisions of the Legislative Council Act should be retained if the Committee is not prepared to grant us one more special seat. In this connection I cannot help feeling disappointed and not a little surprised that the Committee after deciding at first that the present arrangements should continue, suddenly changed its mind at the eleventh hour.

While admiring the lofty sentiment expressed in the concluding portion of section 40 of the Committee's report (viz., "Communal claims we understand; the opposite of it we admire; but an incongruous blend we can neither understand nor admire".) I feel that it is a pity that the Committee is unable to accept a golden mean that will surely go a long way in taking away the sting in undiluted communalism, but at the same time will encourage the steady growth of that pure nationalism which the Committee so much admires. That the Committee would accept either rank communalism or unadulterated nationalism and not any compromise between the two appears strange indeed! I would have willingly foregone the privilege of the special seat had it not been for our legitimate fear that the Muslims might not be able to secure a seat from a general constituency in the circumstances, created by the Committee's findings.

Hence I now put in this strong plea with all the emphasis I can command that the Government may be pleased to retain our right to vote in general constituencies besides allotting us two special seats. If, however, to the utter disappointment and misfortune of the Mussalmans of the State, the Government do not find their way to grant us both which the Community has with unanimity asked for, the Muslims should on no account be denied their right of voting in General Constituencies.

Ernakulam,
13th Kanni 1113.

(Signed)

A. K. KUNHALU.

Separate Note by Mr. K. Ayyappan.

I have to add a note regarding the representation allotted to the Ezhuvas. As the Ezhuvas are, according to the Committees' proposals, to be excluded entirely from General Constituencies either as candidates or as voters I must reasonably claim at least seven special electorates for them. But in my anxiety to get the willing support of my colleagues from the non-politically stronger communities also, to the proposals for special representation I was satisfied to sign the report without dissent on the matter.

(Sd.) K. AYYAPPAN,
2nd October 1937.

APPENDIX I.

List of witnesses examined.

Trichur.

1	Mr.	Ezhuvamparambath Raman, Kurumpilavu
2	"	P Rama Ayyar, B. A., B. L., Vakil
3	"	E F M Norman, M. L. C.
4	"	A Sankara Poduval, B. A., B. L., Vakil
5	"	K Govindan Nambiar, do
6	"	K Madhava Menon, B. A., B. L.
7	"	M A Chakko, Retired Excise Commissioner
8	"	K Prabhakara Poduval, B. A., B. L., Vakil
9	"	C A Kunjunny Raja, B. A., B. L.
10	"	V K Krishnankutty, do M. L. C.
11	"	U Kandar Menon, Retired Diwan Peishkar
12	"	A P Antony, Retired Registration Superintendent
13	"	K Raman Menon, B. A., B. L.
14	"	P Chandrasekhara Menon, do Vakil
15	Rev.	Fr. Mathew, Trichur Bishop
16	Mr.	K R Viswambaran, B. A., B. L., Vakil and Secretary, Cochin Thiyya Mahajana Sabha
17	"	K Uzthuthra Warriar, B. A., B. L.
18	"	K M Subramania Ayyar, District Judge, Trichur
19	"	S F Nunez
20	"	Joseph Pettah, St. Thomas' College, Trichur
21	"	Kottiyattil Sankaran Velu, Managing Director, Cochin National Bank
22	"	A Rama Poduval, B. A., B. L.
23	"	N Kesavan Namboodiri, do

Irinjalakkuda.

24	Mr.	V S Krishnan Vaidyar, M. L. C.
25	"	M C Joseph, Vakil, Irinjalakkuda
26	"	K M Narayana Ayyar, Munsiff's Court Vakil, Irinjalakkuda
27	"	V K Raman Pillai, "
28	"	M A Varied, Tahsildar, Mukundapuram Taluk
29	"	The Chairman and two members of the Irinjalakkuda Municipal Council (Messrs. M A Varied, V Raman Menon and A L Antony)
30	Mr.	E Manikka Menon
31	"	Palakkath Govinda Menon
32	"	Pallatheri Madhavan
33	"	Komathukattil Chennunni Theyyan, Vaidyan
34	"	V R Narayana Ayyar, B. A., L. L. B., Vakil
35	"	K P Lazar, Merchant, Pudukad
36	"	T G Narayana Ayyar, Munsiff's Court Vakil, Irinjalakkuda
37	"	P Rananarayana Ayyar, " " "
38	"	K T Achyutan, B. A., B. L., Vakil
39	"	P Govinda Menon, B. A., B. L., M. L. C.
40	"	T Kochukutty Poduvalssiar, Headmistress, G. H. S., Irinjalakkuda
41	Mr.	K J Paul, Munsiff's Court Vakil, Irinjalakkuda
42	"	Ephraim Ambrokan, Ex M. L. C.
43	Dr.	H N Kammaiah, M. B. S., Assistant Surgeon, Irinjalakkuda
44	Mr.	K S Panikkar, M. L. C.
45	"	V K Kunjappan
46	"	K K Panikkar
47	"	M A Kesavan
48	"	K E Lonappan

Cranganur.

49	Mr.	K P George, Cranganur
50	"	P M Joseph, Managing Director, Education and Industrial Co.
51	"	T N Sundara Ayyar, Vakil, Cranganur
52	"	Elannikkal Gopala Menon
53	Rev.	Fr. Sebastian Pattamana, Vicar of I' bathedom
54	Fr.	Leopold Kanapilly, Gothuruthy Church
55	Mr.	Manapat Kunju Mohamad Haji, Landlord
56	"	K Ahmad Kunji Haji
57	"	P C Sankaran, Valan
58	"	S Madhavan Vaidyar, Ezhuvan

Ernakulam.

59	Mr.	P Rama Menon, B. A., B. L., Ex M. L. C. and Mr. A Narayana Menon B. A., B. L., M. L. C.
60	"	T R Velunny, B. A., B. L., Vakil
61	"	A B Salem, Ex. M. L. C.
62	"	P Krishna Menon, Ex. M. L. C.
63	"	K Ramavarma Thirupad, B. A., B. L., Vakil

- 64 Mr. A Sankara Menon, B. A., B. L., M. L. C.
 65 .. V Chandrasekharan, do Vakil
 66 .. C K. Narayanan, Ezhuvan
 67 Rama Varma Thampuram, Excise Commissioner
 68 Messrs. Kamal Pasha and V K Kutty, Cochin State Muslims' Association
 69 Mr. K S Ayyappan, Retired Samprathy
 70 .. R Raya Prabhu, District Court Vakil, Cochin
 71 .. P K Dewar
 72 .. K P Vallon, Ex. M. L. C.
 73 Messrs. N Govinda Pai and Ismail Hajee Isa Sait, the Indian Chamber of Commerce
 74 Mr. V P Kannu Pillai, Municipal Chairman, Mattancheri
 75 Messrs. P Gangadharan, Cochin Labour Union and A G Chatayan Mury, Stenciling Factory Union
 76 Mr. Thomas Manjuran, Government Advocate and Law Officer
 77 .. C A Mathew, Secretary, Elankulam Co-operative Society
 78 .. S S Koder, M. L. C.
 79 .. M V Alexander, B. A., B. L., Vakil
 80 Mrs. T Francis, Assistant Surgeon
 81 Mr. M V Cherian, M. L. C.
 82 .. S Rengaswami Ayyar, B. A., B. L., Vakil
 83 Miss G M D'Souza, M. L. C.
 84 Mrs. Meenakshi N Menon, M. L. C.
 85 .. T Varghese, B. A.
 86 Mr. C L George, Vakil
 87 .. T G Karuppan, Goldsmith
 88 .. A P Narayana Shenoi
 89 .. P M Elias, B. A., B. L., Vakil
 90 .. K A Paul
- Yadakkancheri.*
 91 The State Congress.—Mr. P. Kumaran Ezhuthassan, Secretary
 92 Messrs. P. Kumaran Ezhuthassan, M. L. C. and V R Krishnan Ezhuthassan, B. A., B. L.
 93 Mr. A Subramania Ayyar, B. A., B. L., Sub-Magistrate
 94 .. M S Narayana Ayyar, B. A., B. L., Vakil
 95 .. K Balakrishna Menon, B. A., L. I. B., Vakil
 96 .. Manakulam Kunjunny Raja
 97 .. Alathur Parameswaran Namboodiripad
 98 .. V S Venkiteswara Ayyar, Leader, All Cochin Anti Congress
 99 .. V Raman Menon, Cheruthuruthy
 100 .. P Madhavan Vaidyar, Vice-President, Thiyya Mahajana Sabha
 101 .. P Madhava Menon
- Kunnankulam.*
 102 Mr. C C Mathew, Head-Master, Kunnankulam High School
 103 .. C V Iyyu, Planter
 104 .. P K Narayanan, B. A.
 105 .. M C Ipe
 106 .. T P Ittyerah, School Master
 107 .. K Padmanabha Menon, Porkulam Panchayat President
 108 .. K M Verghese, School Master
 109 .. M K Sumukaran, Kanakkan
 110 .. V Balakrishna Menon, Head-Master, Pazhanji High School
 111 .. K M Bappoo
 112 .. K Kunhikrishna Panikkar
 113 .. C I Iyyavu, Agriculturist
 114 .. Ayyappath Balakrishnan Nayar, Panchayat President and Parvathiam, Chevanur
 115 .. K Manhavan, Parvathiam
- Nemmara.*
 116 Mr. R Viswanathan Chettiar, M. L. C.
 117 .. K A Mathew, Ayilur Panchayat President
 118 .. N R Subramania Ayyar, Pensioner and Senior Auditor, Bihar
 119 .. V K Nayar, Contractor
 120 .. K R Velukutty Menon
 121 .. Sheik Muhamad Rowther, Merchant, Vellanghi
 122 .. K M Velayudhan, Lilly Group Estate Agent
 123 .. K V Krishnan, Ezhuvan, Nemmara
 124 .. A S Sivaramakrishna Ayyar, Ayilur
 125 .. C Krishna Panikkar, Ezhuthassan, District Court Vakil
 126 .. P Narayanan Nayar, Sanskrit Pandit, Nemmara
 127 .. A S Harihara Ayyar, Ex. M. L. C.
 128 .. A R Karunakara Menon, Teacher
 129 .. P Narayana Manadiar
 130 .. N S Rama Ayyar, Teacher, Nemmara High School and President, Co-operative Society
 131 .. A Chuppan Nayar, Vithnassery
- Chittur.*
 132 Mr. A Eachara Menon, B. A., M. L. C.
 133 .. A Kuttikrishna Menon B. A., B. L., Vakil

134	Mrs.	G Pavithran, Head-Mistress, Girls' High School, Chittur
135	Sir	C V Ananthakrishna Ayyar, Retired High Court Judge
136	Dr.	A R Menon, M. L. C.
137	Mr.	N K Sundara Ayyar, Vakil
138	"	K A Poulse District Munsiff, Chittur
139	"	R Pichu Ayyar, Banker, Chittur
140	"	S Neelakanta Ayyar
141	"	Ambat Kuttikrishna Menon
142	"	C S Sadasiva Ayyar, Banker, Chittur
143	"	C P Subramania Ayyar, B. A., L. T., Head-Master, Boys' High School, Chittur
144	"	K P Ukkandan Unni Nayar, M. A., L. T.
145	"	K Namasivayan Koundan, Member, L. M. B. Advisory Board
146	Fr.	Andrew
147	Mr.	M P Kumaranaiakkan Pillai, Meenakshipuram
148	"	N Sankunny Nambidi, Sub-Magistrate, Chittur
149	"	Chathappat Krishnan Nayar, Ex-Panchayat President, Pattanchery
150	"	Arupthaswami Manikar, Tamil X'ian, Kozhinjampara
151	"	Ankarath Narayanan Mannadiar
152	"	Ambat Krishnan Unni Menon
153	"	C P C Achyuta Menon, Municipal Councillor
154	"	N V Subbarayan Chettiar, Panchayat President, Nalleppilly
155	"	Parakkat Chammu Menon
156	"	M Padmanabha Menon, Pattanchery

APPENDIX II.
Questionnaire.

General Constituencies.

1. Is it necessary to make any addition to the existing qualifications for voters as defined in Schedule II of the Legislative Council Electoral Rules and if so, what addition do you recommend?

N. B.—The present qualifications are as follows.--

A person shall be qualified as an elector for a general constituency who—

- (a) is a pattadar of the State whose land is charged to a land revenue assessment of Rs. 5 or more; or
- (b) is a State Devaswam tenant holding land charged to a land revenue assessment of Rs. 5 or more; or
- (c) is a tenant of a landholder or landholders holding land in the State on kanam, adima, anubhogam, inam and other cognate tenures charged to a land revenue assessment of Rs. 5 or more; or
- (d) is a holder of land in the State under any two or more of the heads referred to in clauses (a), (b) and (c) above whose holding is in the aggregate charged to a land revenue assessment of Rs. 5 or more; or
- (e) pays a Municipal tax of Rs. 2 or more per annum to a Municipal Council in the State, or
- (f) is a tenant of premises assessed by a Municipal Council in the State on an annual rental value of Rs. 30 or more; or
- (g) is a registered owner of fishing stakes in the State paying an annual revenue of Rs. 5 or more; or
- (h) is a graduate of any recognised Indian or British University; or
- (i) is a Barrister-at-Law or legal practitioner recognised by the Chief Court of Cochin, the High Court of Travancore or any British Indian High Court; or
- (j) is a qualified medical practitioner not below the grade of L. M. P. or is an Ayurvedic medical practitioner recognised by the Diwan in this behalf; or
- (k) is in receipt of a pension of not less than Rs. 10 per mensem for service under any Government, or local or special body constituted by law; or
- (l) pays anything by way of Income-tax.

Note—The term 'Cognate tenures' in clause (c) above includes Panayams or usufructuary mortgages subject under the terms of the document to renewal at fixed periods on payment of renewal fees.

If property is held or payments are made jointly by the members of a joint family or by joint pattadars the family or joint holding shall be adopted as the unit for deciding whether under this schedule the requisite qualification exists; and, if it does exist, the person qualified shall be the member authorised, in writing by a majority of the joint holders, or in the case of a joint family either a member so authorised, or in the absence of such authorisation, the manager thereof.

A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family or of joint pattadars, but not in both capacities.

Save as hereinbefore provided, no person shall be qualified as an elector for a general constituency in respect of any property unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

1. (a) Are you for enfranchising Verumpattom tenants? Do you propose any limitation in such a case?
2. Should any or all the qualifications mentioned in rule 4 be lowered or modified and if so, to what extent?
3. Do you advocate adult franchise at present?

Special Constituencies.

4. Are you in favour of continuing all the existing special constituencies?

N. B.—The Special Constituencies now existing are:—

- (1) Landholders,
- (2) Planters,
- (3) Commerce and Industry,
- (4) Ezhuvas (South),
- (5) Ezhuvas (North),
- (6) Muslims and
- (7) Jews.

5. Is it necessary to make any changes regarding special constituencies either in relation to their general nature or their number?

6. Do you recommend any modification of the existing qualifications prescribed for voters in the various special constituencies and if you do, on what lines would you modify the present rules?

N. B.—The present qualifications are as follows.—

1. LANDHOLDERS' CONSTITUENCY.

A person shall be qualified as an elector for the Landholders' constituency if he has resided in the Cochin State for not less than 120 days in the previous year and if he is a pattadar of the State owning lands charged to a land revenue assessment of rupees five hundred or more.

(a) Where lands are registered in the name of a single holder the name of that holder alone shall be entered in the electoral roll.

(b) Where lands are held by several persons as members of a joint family or as trustees of a Devaswam, the person qualified shall be the member or trustee nominated in writing by a majority of the adult members of such family or of such trustees as the case may be, provided however that in the absence of such authorisation in the said manner in regard to a joint family, the manager thereof shall be the person qualified.

2. PLANTERS' CONSTITUENCY.

A person shall be qualified as an elector for the Planters' constituency if he has resided in the Cochin State for not less than 120 days in the previous year and if he holds or is the recognised manager or a nominee in this behalf in writing of a company or association holding not less than 150 acres of land in the Cochin State, for the purpose of cultivating coffee, tea, rubber or the like or a combination of one or more of such plants.

3. EZHUVAS', MUSLIMS' AND JEWS' CONSTITUENCIES.

A person shall be qualified as an elector for an Ezhuvas', Muslims' or Jews' constituency if he is an Ezhuvan, Muslim or Jew, respectively, and he is qualified as an elector for a general constituency.

4. COMMERCE AND INDUSTRY CONSTITUENCY.

A person shall be qualified as an elector for the Commerce and Industry constituency who has resided in the Cochin State for not less than 120 days in the previous year and who —

(a) is the owner of a factory which falls within the definition of a factory as defined in the Cochin Factories Regulation, VII of 1933, which is situated in the Cochin State and in which work has been carried on during the previous year; or

(b) is a partner in a firm owning such a factory or is the representative of such a firm and has been nominated in writing by the firm for the purpose of voting in its behalf; or

(c) is a director or representative of a company as defined in the Indian Companies Act, VII of 1913, as made applicable to Cochin, having a place of business in the Cochin State and a paid-up capital of not less than Rs. 5,000 and who has been nominated in writing for the purpose of voting in its behalf by a majority of the directors; or

(d) is a person whose annual income from Commerce or Industry or both together is assessed at Rs. 2,000 or more for the purpose of Income-tax; or

(e) is a partner in or representative of a firm having a place of business in the Cochin State and is assessed at Rs. 2,000 or more for the purpose of Income-tax and has been nominated in writing by the firm for the purpose of voting in its behalf.

Communal Electorates.

7. Which are the communities that deserve special representation?

8. Do you consider it necessary to continue communal electorates?

9. Will reservation of seats for communities in general constituencies be a satisfactory substitute in place of the existing system of communal representation?

Redistribution of Constituencies.

10. Without affecting the total number of the existing elected seats, is any redistribution of constituencies necessary in your opinion in the

(a) General constituencies,

(b) Special constituencies?

If you recommend any redistribution of constituencies give particulars regarding your proposal.

N. B.—Redistribution in this question would also include the abolition of any one existing constituency, and the creation in its place of another constituency, general or special.

10. (a) Do you think it necessary to make any change or changes in the mode of exercise of the franchise, following any redistribution or reservation?

APPENDIX III.

List of Representations.

Individuals.

- 1 Mr. Paul Mampilli, Narakkal
- 2 .. V K Achyuta Menon, Director of Industries and
Commerce
- 3 .. Manazhi Narayana Menon, Mundur
- 4 .. V K Kuttan Menon, B. A., B. L., District Munsiff,
Trichur
- 5 .. T R Raman Nambiyar, Mulanthuruthi
- 6 .. M K Devassy, Vakil, Trichur
- 7 .. Joseph Pettah, Trichur
- 8 .. T S Balarama Ayyar, Trichur
- 9 .. P Chandrasekhara Menon, Trichur
- 10 .. A R Mahadeva Ayyar, Trichur
- 11 .. C A Kunjuni Raja, Trichur
- 12 .. A Azmathulla Khan Sahib, Trichur
- 13 .. S Moideen Shah Raowther, Trichur
- 14 Messrs. A K Venku Ayyar and V B Vaidyanatha Ayyar,
Trichur
- 15 E F M Norman Esq., M. L. C.
- 16 The Catholic Bishop of Trichur
- 17 Mr. E D Antony, Trichur
- 18 .. T L Augustine, Irinjalakkuda
- 19 .. V Thoman Kunjikkuru
- 20 .. K A Mathew, Municipal Councillor, Irinjalakkuda
- 21 .. K J Lazar, Irinjalakkuda
- 22 .. K N Sangameswaran, Irinjalakkuda
- 23 .. V S Krishnan Vydian, Irinjalakkuda
- 24 .. K C Theyyan Vydian, Pudukkad
- 25 .. E K Raman, Irinjalakkuda
- 26 .. K R Bhaskaran, Pudukkad
- 27 .. M Gangadhara Menon, Irinjalakkuda
- 28 .. M A Chakko, Trichur
- 29 .. Kuttikkamathu Veeran, Vallivattam
- 30 .. T R Venkiteswara Ayyar, Trikkur
- 31 .. K Sankunni Menon, retired Revenue Inspector
- 32 .. M Narayanan Nambudiri, Vakil, Trichur
- 33 .. M Ramavarma Thampan, Chennamangalam
- 34 .. Thekkedath Krishnapada Nayar
- 35 .. A A Ramanatha Ayyar, Chittur
- 36 .. K Narayana Menon, Registrar of Co-operative
Societies
- 37 .. K A Manu Kurup, Amballur
- 38 .. J V Akkarapathy, Panchayat Inspector, Southern
Division
- 39 .. K N Sankara Menon, Ernakulam
- 40 The Honorary Secretary, the Indian Chamber of Com-
merce, Cochin
- 41 Mr. E K Ayyakutty, Trichur
- 42 .. V A Pascal, Ernakulam
- 43 .. M L Vareed, Kandassankadavu
- 44 .. A V Moothedan, Ernakulam
- 45 .. A Sankara Menon, Vakil, Ernakulam
- 46 The Secretary, the Suburban Bank, Ltd., Trichur
- 47 Mr. K K Ramakrishnan, Padiyur
- 48 .. A Narayana Menon, Special Survey Officer,
Trichur
- 49 .. E Kochugovinda Menon, Trippunittura
- 50 .. P V George, Vakil, Cranganur
- 51 .. C K Subramania Ayyar, Cranganur
- 52 Dr. V I Sankara Menon, Cranganur
- 53 Mr. Raghavan, Cranganur
- 54 .. Pulikkathara Augusti Joseph, Gothuruthi
- 55 .. Pullayil Thiyyo Chakko, Gothuruthi
- 56 .. K M Mathai, Gothuruthi
- 57 .. V Varkey Michael, Methala
- 58 .. M E Ouseph, Gothuruthi
- 59 .. A T M Kunji Pockarukutty, Azhikode
- 60 .. A K Kuntu Moideen, Ex M. L. C., Azhikode
- 61 .. R K Ahamathunni Haji
- 62 .. V P Chennan, Lokamaleswaram
- 63 .. E Sankaran Asan, Cranganur
- 64 .. Sankaran Chathunni, Cranganur

- 65 Mr. N Krishna Menon, Lokamaleswaram
66 „ Kochu Kunhali Nayana, Cranganur
67 „ A K Kochunni Alias Kuttikamathu, Cranganur
68 „ A M Bavakutty Alias Kunhamarakar, Azhikode
69 „ M Kunhan Menon, Ernakulam
70 „ V Krishna Karathi, Cochin
71 „ K Ramavarmah Thirupad, Ernakulam
72 „ V P Kannu Pillai, Municipal Chairman, Mattan-
cheri
73 „ P Krishna Menon, Ernakulam
74 „ A Narayana Menon, M. L. C., Ernakulam
75 „ A N P. dmanabha Shenoi
76 Mrs. Meenakshi N Menon, M. L. C., Ernakulam
77 Mr. V J Mathai, Vakkil, Ernakulam
78 „ P J Mathan, Kumbalam
79 „ George Parakkal, M. L. C., Ernakulam
80 „ K Narayanan, Mattanchery
81 The Members of the Guzratti Community, Cochin
82 Mr. R Kalyana Krishna Ayyar, Chelakkara
83 „ M V Abraham, Trichur
84 „ M K Achyutan, Edavanakad
85 „ V Kuttikkamathu Veeran, Vallivattom
86 „ S N Govinda Prabhu, Cranganur
87 „ V R Maman Chohan, Protector of the Depressed
Classes, Trichur
88 „ P Rama Kurup, Tripunittura
89 „ P A Anantharama Ayyar, Cranganur
90 „ P K Antony, Mannampetta
91 „ V K Nayar, Nemmara
92 „ K K Velloo, Trichur
93 „ J Hodgson-Williams, Assistant Conservator of
Forests
94 „ P Rama Menon, Irinjalakkuda
95 „ P K Dewar, Ernakulam
96 „ U Kander Menon, Retired Diwan Peishkar,
Trichur
97 „ Paul Mampilly, Narakkal
98 „ Kandathil Verghese, Vadakkancheri
99 „ P K Ukkandan Nayar, Edakolathur
100 „ K Achyuta Menon, Ochanthuruthi
101 „ C K Kochu Kadir, Edavanakad
102 „ A P Francis, Ernakulam
103 „ Yacha Simonayi, Municipal Councillor,
Ernakulam
104 „ A Krishnan Ambadi Menon, Palluruthi
105 „ K R Bhaskaran, Pudukad
106 „ E Sulapani Warriar
107 Miss A Meyer, Trichur
108 Mr. A Devassy Porinchu
109 „ K K Sankaran
110 „ P V Lonappan, District Judge, Ernakulam
111 „ T P Damodaran Unni, Ernakulam
112 „ M T Kochavusep, Puthekkara
113 Dr. V K G. Menon, Trichur
114 Mr. M L Kuttivarappan, Anjur
115 „ T Parameswara Menon, Cranganur
116 „ T Krishna Menon
117 „ P S Josph, Cochin
118 „ K X Alexander, Mulantburuthi
119 „ R Kochukrishnan, Vyttila, Ernakulam
120 „ O R Chummar, Income-tax Commissioner
Ernakulam
121 „ V V Sebastian, Ernakulam
122 „ K P Krishna Menon, Ernakulam
123 Rama Varma Thampuran, Excise Commissioner
Ernakulam
124 Mr. K Sankara Menon, Chelakkara
125 „ M V Kittu, Paralikad
126 „ V V Krishnan Asan, Cranganur
127 „ A Subramania Ayyar, Vadakkancheri
128 „ V Krishna Ayyar, Tahsildar, Chittur Taluk
129 „ E M Hariharan, Irinjalakkuda
130 „ T A Sitarama Ayyar, Varandarapilly
131 „ M S Govindan Ezhuthassan, Viyyur
132 „ K Krishnan Thondan, Thaniyam
133 „ N K Narayanan, Kumbalanghy
134 „ K Souriar Thomman, Elankunnapuzha

135	Mr. C Sreedharan Elayadom, Palluruthy
136	.. M Govindankutty Menon, Trichur
137	.. K A Kandan, Ernakulam
138	.. K S Ayyappan, Palluruthi
139	.. N Govinda Pai, Cochin
140	.. A Madhava Prabhu
141	.. N Venkiteswara Kini, Cochin
142	.. C V Venkitarama Ayyar, Chelakkara
143	.. V K Kcchunny Menon, Trichur
144	.. E S Ramakrishnan, Irinjalakuda
145	.. V P Porinchunni, Vellatanjur
146	.. K Kochugovinda Marar, Trichur
147	.. K P Ukkandan Unni Nayar, Chittur
148	Mrs. G Pavithran, Chittur
149	Mr. M V John, Mundur
150	.. A Narayana Menon, Trippunittura
151	Messrs. M S Menon and T Thomas, Ernakulam
152	Dr. K A Padmanabha Ayyar, Ernakulam
153	Mr. T S Viswanatha Ayyar, Ernakulam
154	.. S S Koder, M. L. C.
155	.. T A Raman, Anthikkad
156	.. K Achyuta Menon
157	.. A P Narayana Shenoi
158	.. V K Narayanan, Palluruthi
159	.. M L Joshwa, Ernakulam
160	.. A R Chouri, Maradu
161	.. C A Mathew, Elankulam
162	.. P A Anthappa
163	.. T C Sankara Menon, Maharaja's College, Ernakulam
164	.. P M Elias, Vakil, Ernakulam
165	.. K P Karuppan, Ernakulam
166	.. O M Makkotha, Ernakulam
167	.. Anthoni Ouseph, Chalakkudi
168	.. K A Sankaran Kutty, Ollur
169	.. K P Xavier, Ernakulam
170	.. C P Luiz, Ernakulam
171	.. Issac Mathai, Mulanthuruthi
172	.. P R Alexander, Palluruthi
173	.. P O Mathew, Ochanthuruthi
174	.. M Balan, Cochin
175	.. A N Velu Panikkar, Lokamaleswaram
176	.. K Kunhikrishnan, Pulloot
177	.. K X Abraham, Ernakulam
178	.. M V Kunjanmarakkar, Nayarambalam
179	.. P M Sheik Hussain Sahib, Irinjalakuda
180	.. Changaramkotha Krishnan Kartha
181	.. V K Droupathy Ammal, Trichur
182	Mr. Anjeri Mukudasaya Kakku Pavoo, Trichur
183	.. K V Devaraja Ayyar, Narakkal
184	.. C Narayana Menon, Ernakulam
185	.. Thekkekara Chakku Mathai, Kuzhupilli
186	.. C Krishnan Nayar, Pattanchery
187	.. Panchayat Inspector, Northern Division
188	.. K Kunhammad, Karikuzhi
189	.. C Thomas, Choondal
190	.. P C Govindan Ezhuthassan, Vadekethara
191	.. K N Balakrishna Menon, Vadakkancheri
192	.. K Kochukrishan Nayar
193	.. N R Vaidhnathan, Nemmara
194	.. P Chami Mudali
195	.. A Narayana Menon, Chittur
196	Sir C V Ananthakrishna Ayyar, Chittur
197	Mr. C S Rama Ayyar, Chittur
198	.. C P C Achyuta Menon, Chittur
199	.. E P Bhaskara Menon, Cochin
200	Sreemathy K Ammukutty Amma, Tripunittura
201	Mr. Goda Varma Thampan, Ramayarnapuram
202	.. P C Padmanabhan, Ernakulam
203	.. Ayyan Vaidyan, Perumanur
204	.. C K Krishnan Vaidyan, Perumanur
205	.. C Sankunni Menon, Ernakulam
206	.. Ouseph P Kundukulam, Parappur
207	.. Karuppasami Chettiar, Chittur
208	.. Kuruvilla Vareed Kuriappan, Trichur
209	.. M V Poranchu Kutti, Anjur
210	.. Kelambi, Ernakulam

211	Mr.	P C Chakrapani Kurup, Kizhakkummuri, Koratti
212	"	Tharu Ukkru, Pazhanji
213	"	C C Lonappan, Parappur
214	"	K R Parameswaran, Ernakulam
215	"	M S Sreedharan, do
216	"	K J Antoni, Trichur
217	"	K Kochitiathi, Ernakulam
218	"	K C Peter, Tahsildar, Trichur
219	"	T Achyuta Menon, Tattamangalam
220	Dr.	N C Chathukutti, Chittur
221	Mr.	P Yohannan
222	"	P Madhava Menon, Manalur
223	"	V Bhaskara Menon, Vadakkancheri
224	"	S N Mangalappilli, Adur
225	"	K S Joseph, Ochanthuruth
226	"	V N Damodaran Nambiar, Ernakulam
227	"	K Narayanan Nambudiripad, Erumapetti
228	"	N I George, Ernakulam
229	Dr.	E A Veigas, Ernakulam
230	Mr.	K P. Narayana Menon, Cranganur
231	"	N Rama Menon, Nayarambalam
232	"	K C Ayyankunju, Vaidyan, Narakkal
233	"	V S Krishnan, Methala
234	"	S Rengaswami Ayyar, Ernakulam
235	"	J Sebastian, Ernakulam
236	"	P C Thomman, Perumanur
237	"	P T George, Ernakulam
238	"	C P Thomas, Ernakulam
239	"	K Krishnan Vaidyar, Kunnamkulam
240	"	N A Antony, Pudukad
241	"	N M Abdu Rahiman, Azhikode
242	"	M P Cherian, Retired Joint Secretary to Gov- ernment, Ernakulam
243	"	K S Raghavan, Sub-Magistrate, Cochin
244	"	V M Achyuta Panikkar, Cranganur
245	"	M V Kesavan, Ernakulam
246		K Janaki Amma, Honorary Magistrate, Ernakulam
247	Mr.	V P Madhava Das, Ernakulam
248	"	V K K Thampan, Kanjoor A. O.
249	"	K E Lonappan, Kallikadan, Irinjakkuda
250	"	K Peter John, Ernakulam
251	"	T A Xavier, Chathiath School Ernakulam
252	"	P Kesavan, Fishery Inspector
253	"	P J Xavier, Ernakulam
254	"	K K Joseph, Ernakulam
255	"	M V Souriar, Changanad
256	"	M P Vakko, Elamkulam
257	"	K Narayana Menon, Nallepilly
258	"	Yocha Eliavu and others
259	"	K M Seethi, Tellichery
260	"	C V Iyyu, Kunnamkulam
261	"	K A Krishnan, Ernakulam
262	"	P Sankaranarayana Menon, Chairman, Chittur- Tattamangalam Municipality
263	"	C R Bhima Rao. Vakil, Chittur
264	"	K K Ittaman, Ernakulam
265	"	A Suppan Chettiar
266	"	Augustine Pappali, Ernakulam
267	"	P Kumaran Ezhuthassan, Vadakkancheri
268	"	A Parameswaran Nambudiripad, Vadakkan- cheri
269	"	M S Narayana Ayyar, Vadakkancheri
270	"	P Madhava Menon, Vadakkancheri
271	"	V Balakrishna Menon, Head Master, Pazhanji
272	"	A Balakrishnan Nayar, Chovannur
273	"	R Pichu Ayyar, Chittur
274	"	A P Souriar, Chellanam
275	"	C P Subramania Ayyar, Chittur
276	"	M L Joseph, Vakil, Ernakulam
277	"	Kunjuvareed Lonappan, Parappukara
278	"	C Swaninath, Trichur
279	"	K A Mathew, Ayalur
280	"	A S Sivaramakrishna Ayyar, Ayilur

- 281 Mr A S Harihara Ayyar, Ayilur
 282 „ P Narayanan Mannadiar, Vithanassery
 283 „ C S Sadasiva Ayyar, Banker, Chittur
 284 „ P K P Achan, Law College Hostel, Trivandrum
 285 Rev. Fr. John Palakat, Mulanthuruthy
 286 Mr. K. Francis, Kalathingal
 287 „ V R Krishnan Ezhuthassan. Vadakkancheri
 288 Dr. E G Antony, Ollur
 289 Mrs. T Francis, Ernakulam
 290 Most Rev. Mar Timotheus, Trichur
 291 Rama Varmah, 12th Prince, Ernakulam
 292 Mr. Kaplingat Sankaran Namboori, Cheruthuruthy
 293 Rao Bahadur C P Karunakara Menon, Coimbatore
 294 Mr. P I Ravi Kaimal, Trichur

Associations.

- 295 Kottekkad Catholic Young Mens' Association
 296 The Cochin Labour Union, Kattur
 297 The Ernakulam Thiyya Samajam
 298 Sri Shanmukhananda Araya Samajam, Cochin
 299 S N B S Samajam, Irinjalakkuda
 300 The Ezhuva Yuvajana Samajam, Perumanoor
 301 The Gauda Saraswath Brahmin Sabha, Mattancheri
 302 The Sri Narayana Gurukula Yogam, Trichur
 303 The Sri Sukritha Samrakshini Sabha, Ochauthuruthu
 304 The Cochin Dheevera Yuvajana Sangham,
 305 The Ezhuthassan Samajam, Perinchery
 306 The Padanna Samudaya Sangham
 307 The Stencilling Factory Workers' Union, Azheekal
 308 The Vijnana Vardhini Sabha, Cherai
 309 Public Welfare League, Irinjalakkuda
 310 The Sudharma Suryodaya Sabha, Chenganad
 311 The Kalyana Dayini Sabha, Anapuzha, Cranganur
 312 The Padanna Samajam, Mala
 313 The Cochin Teachers' Association
 314 Viswa Karmala Samajam, Cherai
 315 The Araya Yuvajana Samajam, Thevara
 316 The Vijana Vidyodani Mandala Sangham, Cochin
 317 The Yuvajana Sangham, Trippunittura
 318 The Vidyartha Dayini Sabha, Cranganur
 319 Sri Vidya Prakasini Sabha, Methala, Cranganur
 320 Muslim Yuvajana Sakhia Sabha, Cranganur
 321 The Araya Vamsodharani Maha Sabha, Ernakulam
 322 The Cochin Pulaya Mahajana Sabha
 323 The Ernakulam Viswakarma Samajam
 324 The Viswa Brahma Karmala Samudaya Sangham
 325 The Thiyya Yuvajana Sangham, Cochin
 326 Karuvannur Murkanad Nayar Samajam
 327 Trichur Bar Association
 328 The Latin Christian Samajam, Pallippuram
 329 The Sanmargha Pradeepika Sabha, Edavankkad
 330 Gouda Saraswath Brahmin Yuvajana Samajam,
 Cherai
 331 Sanmarga Pradeepa Sabha, Kumbalam
 332 The Public Library and Reading Room, Trip-
 punittura
 333 The Catholic Knights' Association, Palluruthy
 334 Majilis Rahmatb, Azhikode
 335 The Malabar Jews Association, Cochin
 336 The Cochin Thiyya Volunteers, Ernakulam

- 337 Sri Bhuthanatha Vilasom Nair Karayogam, Palluruthy
 338 Gramodharana Sangham, Mundur
 339 Ampalapuram Rural Re-Construction Co-operative Society, Mulakunnathukavu
 340 The Cochin State Latin Christian Conference
 341 The Karmala Mahajana Sabha, Irinjalakkuda
 342 The Ezhuthassan Yuvajana Samajam, Puzhakkal
 343 The Gouda Saraswath Brahmin Samajam, Trippunittura
 344 The Nair Samajam, Chennamangalam
 345 The Cochin Muslim Association, Cochin
 346 The Thiyya Yuvajana Sabha, Trippunittura
 347 The Catholic Young Men Association, Trippunittura
 348 The Dharmantha Dayini Sabha, Chennamangalam
 349 The S. N. D. P. Yogam, Amballur
 350 The Nair Samajam, Irinjalakkuda
 351 The Thiyya Dharma Paripalana Samajam, Pulloot
 352 Sree Dharma Paripalana Yogam, Palluruthi
 353 Narayani Bhoosbana Samajam
 354 The Young Servants' of Islam Society, Cranganur
 355 The South Malabar Anglo-Indians' Association, Ochanthuruth
 356 The Colpetty Malayali Young Men's Association, Colombo, Ceylon
 357 The C. Y. M. G. Latin Catholics, Chathiath
 358 The S. G. C. Society, Chathiath
 359 The Co-operative Society, Pallipuram
 360 The Vivekananda Deepika Samajam, Panampukad
 361 The Cochin Araya Mahajana Yogam, Pallipuram
 362 Group Teachers' Association, Kumbalanghi
 363 The Anglo-Indian Association, Eda Cochin
 364 The Dharma Poshini Sabha, Pazhambillithuruth
 365 The Y. W. C. A., Ernakulam
 366 The Catholic Dharma Thalpara Samajam, Kumbalanghi
 367 The Anglo-Indian Association, Chathiath
 368 Ladies' Association, Trippunittura
 369 The Cochin Thiyya Mahajana Sabha, Trichur
 370 The Ezhuthassan Maha Samajam, Vadakkancheri
 371 The Ezhuthassan Yuvajana Karshaka Sangham, Moorkanikkara
 372 The Pattarya Samajam, Kanjiramittam
 373 The Pattarya Samajam, Perumpilly
 374 The Chittur Bar Association
 375 The Thaikoodam Catholic Yuvajana Sangham, Vyttila, Ernakulam
 376 The Young Men's Corporation, Irinjalakkuda
 377 The Porathissery Ezhuva Yuvajana Samajam, Slave Island, Colombo
 378 The G. S. B. Samajam, Pallipuram
 379 The Catholic Knights' Association, Palluruthi
 380 The Gouda Saraswath Brahmin Samajam, Kuzhuppilly, Ayyampilly
 381 The S. P. Sabha, Edavanakkad
 382 The Abhedananda Paripalana Sangham
 383 The Cochin Karmala Samajam, Trichur
 384 Sree Bodhananda Swami Memorial Library and Reading Room, Kizhakkummuri
 385 The Gouda Saraswath Brahmin Yuvajana Samajam, Chennamangalam
 386 The Ernakulam Bala Samajam
 387 The Cochin Araya Mahajana Yogam, Pallipuram
 388 The Poura Samajam, Pudukad
 389 The Merchants' Association, Kunnamkulam
 390 The Padanna Mahayogam, Perampira
 391 The Kerala Vathi Samajam, Trichur
 392 The Cochin Aided School Managers' Association
 393 The Pulaya Students' Samajam, Kumbalam
 394 The Araya Mahajana Yogam, (Pallipuram Branch) Cherai, Ayyampilli
 395 The Samastha Cochin Kudumbi Samajam, Ernakulam
 396 The All Kerala Araya Association, Karungapally
 397 The Trichur Merchants' Association
 398 The Kottappuram Cherupushpa Union, Cranganur
 399 The S. M. R. R. Pulaya Association, Kattoor

Public Meetings.

- 400 The citizens of Pudukad
 401 The citizens of Chalakkudi
 402 The citizens of Gothuruthi
 403 Palluruthi Gouda Saraswath Brahmins
 404 The Malayalees residing in Ceylon
 405 The citizens of Cranganur
 406 Saraswath Brahmins of Kuzhuppilly
 407 The Latin Christians of Palluruthy
 408 The Gouda Saraswath Brahmins of Cranganur
 409 The inhabitants of Nemmara Firka.

410	The Latin Catholics of Maradu, Kudaasore, Poonithura and Trippunittura Desoms
411	The Citizens of Karikode, Thuruthikara and Mulanthuruthi Desoms
412	The Ezhuva citizens of Chennamangalam
413	The inhabitants of Chathedam
414	The Anglo-Indians of Vallarpadom
415	The Latin Catholics, Gothuruthi
416	The citizens of Pallippuram Village
417	The Anglo-Indians of Polghatty
418	The Anglo-Indians of Saude
419	The White Jewish community, Cochin
420	The Latin Catholics of Mulavukad
421	The inhabitants of Karuvannur, Murkanad, Matayikonam, etc.
422	The Anglo-Indians of Nazareth
423	The Latin Catholics of Chullikkal
424	The Kudumbichetty community, Naithukudi
425	The inhabitants of Herbert Nagar Depressed Class Colony
426	The Latin Christians of Mattancheri
427	The inhabitants of Vallangi, Nemmara, etc.
428	The Padannas of Karungal, Mukundapuram Taluk
429	People of Chakiamuri, Kumbalangi
430	The Araya inhabitants of Cherai, Ayyampilli, etc.
431	The Tamil Latin Christians of Chittur Taluk
432	The Padanna Kanakkans of Mala
433	The Latin Catholics of Vypeen

Panchayats.

434	Vellarappilly Panchayat
435	Ollur Panchayat
436	Edavanakkad Panchayat
437	Olukkara Panchayat
438	Chazhur Panchayat
439	Avanur Panchayat
440	Vellangallur Panchayat
441	Anthikkad Panchayat
442	Narakkal Panchayat
443	Kodannur Panchayat
444	Pallippuram Panchayat
445	Porathisseri Panchayat
446	Thiruvilluamala Panchayat
447	Elankunnapuzha Panchayat
448	Kattur Panchayat
449	Melur, Muringur Vadakkummuri Panchayat
450	Varantharappilli Panchayat
451	Malayattur Panchayat
452	Maradu Panchayat
453	Kumbalangi Panchayat
454	Kizhakkummuri Panchayat
455	Vilvattam Panchayat
456	Kalur Thekkummuri Panchayat
457	Alur Panchayat
458	Pattancheri Panchayat
459	Thekkumkara Panchayat
460	Pazhayannur Panchayat
461	Vadavukode Panchayat
462	Chennamangalam Panchayat
463	Nallepilli Panchayat
464	Mulanthuruthi Panchayat
465	Vadana Panchayat
466	Kadangode Panchayat
467	Manalur Panchayat
468	Methala Panchayat
469	Tholur Panchayat
470	Velukkara Panchayat
471	Kattakampal Panchayat
472	Mundathikode Panchayat
473	Kozhinjampara Panchayat
474	Parappukkara Panchayat
475	Vadakarapathi Panchayat

Municipalities.

476	Irinjalakkuḍa Municipal Council
477	Chittur-Tattamangalam Municipal Council
478	Mattancheri Municipal Council

APPENDIX IV.

1. TRIPPUNITTURA CONSTITUENCY.

Villages	Brah- mins.	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Re. 1.								
Vadavukode	8	25	16	3	75	..	..	127
Thekkumbhagam	56	80	23	24	30	..	..	213
Nadamel	124	229	66	95	103	3	..	600
Thiruvankulam	19	275	53	72	140	1	..	560
Kureekad	9	22	7	19	101	..	..	158
Kanayannur	7	39	8	2	42	..	..	98
Mulanthuruthi	46	38	15	26	240	..	..	365
Amballur	28	27	11	8	44	3	..	121
Edakkattuvayal	32	14	8	14	59	..	..	127
Kaipattur	30	23	3	8	30	..	..	94
Kulayettikkara	26	12	2	2	2	2	..	46
Keecheri	16	6	4	1	3	..	..	30
Total	401	770	216	274	869	9	..	2539
Any land tax.								
Vadavukode	9	29	29	10	98	..	..	175
Thekkumbhagam	79	97	32	28	38	..	..	274
Nadamel	167	249	81	111	135	..	..	743
Thiruvankulam	19	345	79	111	177	..	..	731
Kureekad	10	30	11	34	139	..	..	224
Kanayannur	9	46	18	5	93	..	..	171
Mulanthuruthi	54	50	44	78	402	1	..	629
Amballur	34	42	18	28	57	7	..	186
Edakkattuvayal	37	26	12	22	79	..	..	176
Kaipattur	31	28	8	10	37	..	..	114
Kulayettikkara	26	13	2	5	2	2	..	50
Keecheri	20	6	5	2	5	..	..	38
Total	495	961	339	444	1262	10	..	3511

2. VYTTILA CONSTITUENCY.

Villages	Brah- mins.	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Re. 1.								
Ernakulam	4	9	..	4	35	10	..	62
Elankulam	56	297	68	75	369	35	4	904
Maradu	42	432	109	..	269	184	..	1026
Poonithura	11	241	77	176	303	76	..	884
Kumbalam	26	192	91	94	154	94	..	651
Total	139	1171	345	349	1130	399	4	3537
Any land tax.								
Ernakulam	4	14	..	5	42	13	..	78
Elankulam	56	304	81	88	405	39	6	979
Maradu	43	453	126	..	280	200	..	1102
Poonithura	13	264	85	198	329	83	..	972
Kumbalam	27	206	96	100	164	100	..	693
Total	143	1241	388	391	1220	435	6	3824

3. PALLURUTHY CONSTITUENCY.

Villages	Brah- mins.	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Re. 1.								
Mattancheri and Rameswaram	12	32	104	101	409	75	4	737
Palluruthy	12	96	91	133	343	83	2	760
Kumbalanghi	4	13	28	69	389	13	4	520
Chellanam	3	5	23	7	192	3	1	234
Total	31	246	246	310	1333	174	11	2251
Any land tax.								
Mattancheri and Rameswaram	12	33	107	102	449	76	4	783
Palluruthy	12	98	98	136	358	98	2	802
Kumbalanghi	4	17	31	71	431	15	6	575
Chellanam	3	5	23	7	194	3	1	236
Total	31	153	259	316	1432	192	13	2396

4. ELANKUNNAPUZHA CONSTITUENCY.

Villages	Brahmins	Nayars	Other Hindus	Esuvias	Xians	Muslims	Jews	Total
Re. 1.								
Elankunnapuzha	32	290	84	186	427	58	..	1071
Mulavukad	12	140	77	48	158	49	3	487
Kadamakudi	24	89	30	42	278	8	1	472
Cheranellur	25	221	69	24	312	56	...	707
Total	93	740	260	300	1175	165	4	2737
Any land tax.								
Elankunnapuzha	33	435	107	269	615	55	..	1514
Mulavukad	12	140	77	51	160	49	3	492
Kadamakudi	27	114	37	57	428	8	1	672
Cheranellur	33	234	74	24	319	56	..	740
Total	105	923	295	401	1522	168	4	3418

5. NARAKKAL CONSTITUENCY.

Villages	Brahmins	Nayars	Other Hindus	Esuvias	Xians	Muslims	Jews	Total
Re. 1.								
Narakkal	24	97	42	55	245	4	...	467
Nayarambalam	49	188	68	146	360	43	..	854
Malayattur	6	18	33	11	95	...	..	163
Chowwara	40	90	20	25	125	82	...	382
Thekkumbhagam	12	30	6	10	30	45	...	133
Vadakkumbhagam	21	51	58	44	176	16	..	366
Kizhakkumbhagam	7	44	18	34	71	7	...	181
Total	159	518	245	325	1102	197	...	2546
Any land tax.								
Narakkal	24	97	73	67	298	4	...	563
Nayarambalam	44	207	76	170	375	47	..	919
Malayattur	6	18	33	11	95	...	..	163
Chowwara	40	90	20	25	125	82	...	382
Thekkumbhagam	12	30	6	10	30	45	...	133
Vadakkumbhagam	21	51	58	44	176	16	...	366
Kizhakkumbhagam	7	44	18	34	71	7	...	181
Total	154	537	284	361	1170	201	...	2707

6. PLLIPPURAM CONSTITUENCY.

Villages	Brahmins	Nayars	Other Hindus	Esuvias	Xians	Muslims	Jews	Total
Re. 1.								
Edavanakkad	18	137	40	66	75	180	...	516
Kuzhuppilly	89	65	87	84	196	28	..	549
Pallippuram	43	81	59	240	194	16	..	633
Chennamangalam	14	130	10	80	132	38	15	419
Total	164	413	196	470	597	262	15	2117
Any land tax.								
Edavanakkad	18	145	46	69	82	191	..	551
Kuzhuppilly	90	92	104	86	216	28	..	616
Pallippuram	43	85	64	250	202	19	...	663
Chennamangalam	16	130	10	82	138	41	15	432
Total	167	452	224	487	638	279	15	2262

7. IRINJALAKKUDA CONSTITUENCY.

Villages	Brahmins	Nayars	Other Hindus	Esuvias	Xians	Muslims	Jews	Total
Re. 1.								
Manavalassery	63	112	50	69	172	5	...	471
Irinjalakkuda	33	51	23	31	89	23	...	250
Pullur	35	68	16	42	129	8	...	298
Velukkara	33	84	17	46	87	..	..	267
Poomangalam	26	133	83	116	274	...	..	632
Thekkumkara	41	189	2	128	10	146	..	516
Karumathara	3	1	5	3	...	6	...	18
Vadakkumkara	32	139	54	34	102	16	...	377
Kaduppasseri	30	29	20	58	164	8	..	309
Kottanellur	37	93	37	146	278	19	...	610
Total	333	899	307	673	1305	231	...	3748
Any land tax.								
Manavalassery	92	138	67	105	415	11	...	828
Irinjalakkuda	42	71	71	65	181	72	..	502

Villages	Brahmins	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Pullur	38	165	45	84	258	12	..	602
Velukkara	38	98	33	77	100	..	..	346
Poomangalam	29	136	108	145	364	..	..	782
Thekkumkara	43	204	5	143	18	222	..	635
Karumathara	5	2	7	5	..	9	..	28
Vadakkumkara	34	145	78	50	137	31	..	475
Kaduppasseri	36	54	54	102	235	8	..	489
Kottanellur	44	108	82	227	372	33	..	866
Total	401	1121	550	1003	2080	398	..	5553

8. ADUR CONSTITUENCY.

Re. 1.	Brahmins	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Muringur Thekkum-muri	23	55	40	14	167	2	2	303
Kizhakkummuri	22	116	38	19	337	..	..	532
Kallur Thekkummuri	46	219	51	54	167	27	..	564
Kallur Vadakkummuri	49	203	26	40	367	18	..	703
Alathur	19	61	16	18	121	12	3	250
Kuruvilasserri	11	18	10	64	62	2	..	167
Kakkulisserri	21	144	20	40	92	17	..	334
Thirumukkulam	21	148	28	46	53	14	..	310
Madathumpadi	7	31	1	2	23	..	..	64
Poyya	14	41	33	31	61	..	..	180
Pallippuram	11	9	16	12	68	28	3	147
Vadakkumbhagam	10	80	27	107	82	54	3	363
Vadama	10	31	52	34	142	23	3	295
Total	264	1156	358	481	1742	197	14	4212

Any land tax.

Muringur Thekkum-muri	26	77	120	44	314	4	3	588
Kizhakkummuri	34	158	77	45	526	1	..	841
Kallur Thekkummuri	46	219	118	110	248	49	..	790
Kallur Vadakkummuri	49	242	59	72	552	22	..	996
Alathur	23	66	38	42	200	16	3	388
Kuruvilasserri	11	23	21	102	82	4	..	243
Kakkulisserri	23	163	16	55	92	21	..	370
Thirumukkulam	23	162	37	73	70	20	..	385
Madathumpadi	8	33	6	2	30	..	..	79
Poyya	19	55	44	61	86	..	..	265
Pallippuram	11	9	18	15	80	43	3	179
Vadakkumbhagam	11	100	42	157	118	79	3	510
Vadama	11	45	75	70	195	57	8	461
Total	295	1352	671	848	2593	316	20	6095

9. CHALAKKUDI CONSTITUENCY.

Re. 1.	Brahmins	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Potta	3	40	1	12	23	..	..	79
Perambra	9	21	6	70	152	..	..	258
Kizhakke Chalakkudi	51	44	22	38	171	14	..	340
Thazhakkad	27	43	33	119	264	20	..	506
Kodakara	51	179	34	72	275	1	..	612
Kodasseri	7	63	15	20	139	1	..	245
Padinjare Chalakkudi	22	11	4	6	128	..	..	171
Annallur	18	89	6	56	116	6	..	291
Melur	46	42	13	66	268	..	..	435
Muringur Vadakkum-muri	21	49	..	38	107	..	..	215
Alut	22	58	39	131	437	39	..	716
Kallettumkara	16	30	18	28	161	6	1	260
Pariyaram	7	32	10	6	375	..	..	430
Elanjipra	3	15	4	2	97	1	..	122
Mattathur	52	148	50	90	23	2	..	365
Total	355	864	255	754	2736	90	1	5055

Any land tax:

Potta	3	50	1	18	30	..	..	102
Perambra	12	35	18	118	250	..	..	433
Kizhakke Chalakkudi	99	76	51	112	388	44	1	771
Thazhakkad	28	49	62	181	360	38	..	718

Villages	Brahmins	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Kodakara	57	235	49	187	392	1	..	921
Kodasseri	7	71	22	32	214	1	...	347
Padinjare Chalakkudi	24	17	6	7	196	..	..	250
Annallur	20	125	16	83	186	6	...	436
Melur	51	64	46	136	442	1	..	740
Muringur Vadakkumuri	29	68	11	55	166	...	...	329
Alur	25	68	88	208	567	52	..	1008
Kallettumkara	18	38	34	49	224	15	1	379
Pariyaram	7	44	18	12	712	...	..	793
Elanjipra	3	21	7	6	203	1	...	241
Mattathur	55	165	79	165	40	8	...	512
Total	438	1126	508	1369	4370	167	2	7980

10. KATTUR CONSTITUENCY.

Re. 1.								
Edathirinji	28	86	104	133	62	12	...	435
Padiyur	21	32	27	101	97	28	...	306
Vallivattam	15	17	38	186	27	175	...	458
Karlam	40	165	48	143	132	8	...	536
Kattur	15	76	22	94	206	63	..	476
Madayikkonam	50	77	25	37	77	5	..	271
Porathisseri	49	122	62	180	144	5	...	562
Edavilangu	22	173	57	204	87	264	..	807
Total	240	748	383	1078	832	560	...	3841

Any land tax.

Edathirinji	40	99	120	151	73	14	...	497
Padiyur	44	67	58	221	205	58	..	653
Vallivattam	30	37	83	410	63	416	...	1039
Karlam	43	194	92	233	190	13	...	765
Kattur	16	101	55	188	278	117	..	755
Madayikkonam	52	181	47	73	145	5	..	503
Porathisseri	73	162	106	341	256	12	...	950
Edavilangu	22	184	63	214	89	291	..	863
Total	320	1025	624	1831	1299	926	...	6025

11. NELLAYI CONSTITUENCY.

Re. 1.								
Kallur	36	65	18	11	41	..	..	171
Trikkur	29	13	11	1	7	..	..	61
Thorava	34	26	31	16	75	..	...	182
Nemmanikkara	60	47	60	14	35	...	..	216
Amballur	67	100	9	47	225	..	..	448
Parappukkara	57	100	19	64	75	..	..	315
Thottippal	33	130	14	38	37	...	..	252
Anandapuram	29	64	22	16	25	..	...	156
Muriyad	25	106	45	46	102	..	..	324
Nellayi	66	71	...	21	21	..	..	179
Chengalur	32	51	8	105	121	...	..	317
Varandarappilli	19	44	17	36	..	...	..	116
Muppalliam	12	39	10	41	11	..	...	113
Nandipulam	13	21	14	12	26	..	..	86
Total	512	877	278	468	801	...	..	2936

Any land tax.

Kallur	40	75	20	18	66	..	...	219
Trikkur	31	14	12	1	13	...	...	71
Thorava	39	34	42	21	138	..	..	274
Nemmanikkara	67	58	86	31	67	...	..	309
Amballur	79	125	55	147	364	...	...	770
Parappukkara	68	119	36	74	126	..	...	423
Thottippal	36	148	27	45	58	...	..	314
Anandapuram	31	70	24	23	30	..	...	178
Muriyad	26	136	58	85	137	2	...	444
Nellayi	79	99	3	33	34	..	...	248
Chengalur	38	71	30	186	184	..	...	509
Varandarappilli	22	59	56	106	14	..	..	257
Muppalliam	12	47	27	86	55	...	..	227

Villages	Brahmins	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Nandipulam	19	34	21	35	60	...	..	169
Total	587	1089	497	891	1346	2	..	4412

12. CRANGANUR CONSTITUENCY.

Re. r.								
Pulloot	22	133	82	99	13	40	2	391
Lokamaleswaram	43	209	72	69	3	36	..	432
Methala	88	388	188	155	28	101	..	948
Eriyad	18	117	22	50	2	425	..	634
Azhikode	2	10	5	5	10	255	1	288
Total	173	857	369	378	56	857	3	2693

Any land tax.

Pulloot	25	167	130	144	15	57	2	540
Lokamaleswaram	47	240	89	77	3	47	..	503
Methala	103	460	257	180	48	115	..	1163
Eriyad	18	137	25	63	3	514	..	760
Azhikode	2	10	5	5	10	283	1	316
Total	195	1014	506	469	79	1016	3	3282

13. ANTHIKKAD CONSTITUENCY.

Re. r.								
Padiyam	31	87	12	208	72	27	..	437
Vadakkummuri	33	93	19	229	62	36	..	472
Kizhakkummuri	27	43	6	222	54	2	..	354
Pullu	9	17	4	3	12	..	..	45
Anthikkad	37	175	31	228	160	12	..	643
Chazhur	31	80	22	150	56	8	..	347
Alappad	8	60	26	74	47	2	..	217
Thaniyam	22	89	8	171	25	40	..	355
Kizhuppillikara	10	9	1	47	12	26	..	105
Parakkad	15	40	24	11	28	..	..	108
Erava	18	47	15	16	51	..	..	147
Manakkodi	35	44	13	29	69	..	..	190
Veluthur	42	47	31	8	14	..	..	142
Manalur	24	113	10	177	189	..	..	513
Karamukku	33	77	4	130	183	..	..	427
Total	375	1021	226	1693	1034	153	..	4502

Any land tax.

Padiyam	32	101	12	238	77	37	..	497
Vadakkummuri	36	98	19	239	69	38	..	499
Kizhakkummuri	28	49	7	229	57	3	..	373
Pullu	9	17	4	5	13	..	..	48
Anthikkad	37	189	42	235	203	13	..	719
Chazhur	32	92	30	178	58	10	..	400
Alappad	8	66	32	102	65	4	..	277
Thaniyam	22	95	8	195	29	45	..	394
Kizhuppillikara	10	9	1	47	13	26	..	106
Parakkad	20	66	31	4	54	..	..	175
Erava	19	89	17	40	70	..	..	235
Manakkodi	44	69	17	64	101	..	..	295
Veluthur	57	70	54	29	27	..	..	237
Manalur	25	121	12	180	191	..	..	529
Karamukku	36	80	4	148	202	..	..	470
Total	415	1211	290	1933	1229	176	..	5254

14. URAKAM CONSTITUENCY.

Re. r.								
Aranattukara	8	40	16	31	53	..	..	148
Koorkancheri	22	37	12	56	31	..	..	158
Chiyyaram	27	55	15	38	133	..	..	268
Kanimangalam	29	100	20	73	92	3	..	317
Venginisseri	16	50	9	12	15	..	..	102
Kodannur	6	5	3	3	5	..	..	22
Pallipuram	7	5	2	..	..	..	..	14
Parlam	15	42	12	17	32	1	..	109

Villages	Brahmins	Nayars	Other Hindus	Erhuvas	Xians	Muslims	Jews	Total
Cherpu	25	18	10	4	16	10	...	83
Oorakam	34	65	12	87	28	22	..	248
Arattupuzha	26	57	14	..	1	..	...	98
Chevr	24	24	38	9	29	...	..	124
Vallachira	28	7	10	1	4	..	..	50
Edakkunni	41	53	16	5	39	...	..	157
Avinisseri	20	3	44	..	19	..	...	86
Palisseri	18	14	20	4	23	...	..	69
Ollur	28	66	42	46	199	...	..	381
Nadathara	22	36	23	21	50	..	...	158
Marathakkara	36	83	58	26	92	...	...	295
Puthur	11	42	19	21	30	...	..	123
Kainur	11	11	76	6	17	...	...	121
Kozhukkulli	23	15	34	15	18	...	..	105
Mulayam	20	...	13	23	8	10	1	75
Mannamangalam	4	3	4	..	4	...	...	15
Inchamudi	20	43	20	26	29	7	...	145
Kurumpilavu	14	62	42	163	180	23	..	484
Panancheri	22	157	26	19	63	7	..	294
Ollukkara	21	45	21	24	67	12	..	190
Vellanikkara	17	10	11	4	9	..	..	51
Nettisseri	43	74	17	..	25	..	...	159
Madakathara	35	39	30	22	28	1	..	155
Total	673	1261	689	749	1329	96	1	4798

Any land tax.

Aranattukara	8	86	50	89	257	...	...	490
Koorkancheri	35	64	27	235	86	3	...	450
Chiyaram	32	101	51	129	259	...	...	572
Kanimangalam	35	184	133	244	178	4	..	778
Venginisseri	18	67	11	29	32	...	..	157
Kodannur	12	14	10	7	9	...	...	52
Pallippuram	8	10	4	5	6	..	..	33
Parlam	18	43	16	9	40	3	..	129
Cherpu	39	39	30	5	18	14	..	145
Oorakam	45	80	14	101	37	28	..	305
Arattupuzha	28	65	19	...	1	...	..	113
Chevr	26	27	53	19	25	2	..	152
Vallachira	32	9	12	1	4	..	..	58
Edakkunni	44	59	18	8	66	..	..	195
Avinisseri	23	5	70	...	26	...	..	124
Palisseri	23	35	41	19	29	..	...	147
Ollur	28	98	87	115	356	..	..	684
Nadathara	24	53	46	35	158	..	..	316
Marathakkara	37	85	68	26	97	...	..	313
Puthur	16	75	38	54	64	...	..	247
Kainur	12	19	44	20	20	...	...	115
Kozhukkulli	30	19	85	64	31	1	..	230
Mulayam	22	..	41	40	30	11	1	145
Mannamangalam	4	3	4	...	4	..	..	15
Inchamudi	20	51	21	28	32	9	..	161
Kurumpilavu	15	85	49	218	248	47	...	632
Panancheri	23	203	63	86	133	11	...	519
Ollukkara	27	70	61	54	257	34	..	503
Vellanikkara	45	22	40	14	19	..	..	140
Nettisseri	48	99	36	4	70	...	..	257
Madakathara	62	85	78	48	62	5	...	340
Total	839	1855	1320	1706	2654	172	1	8547

15. MULAKUNNATHUKAVU CONSTITUENCY.

Re. 1.

Chalakkal	17	71	18	8	103	...	..	217
Tholur	9	25	1	2	69	..	..	106
Edakolathur	13	95	6	11	17	..	...	142
Kaiparamba	11	110	34	31	43	1	..	230
Anjur	5	78	32	17	87	..	...	219
Avanur	12	32	12	17	15	...	...	87

Villages	Brahmins	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Thangalur	7	46	46	16	11	...	..	126
Velappaya	9	88	8	15	13	..	..	133
Choolisseri	2	27	...	13	12	...	...	54
Peramangalam	27	68	47	70	79	...	...	291
Chittalappilli	14	43	28	45	64	..	...	194
Adat	13	15	24	9	28	...	...	89
Puranattukara	17	51	109	7	59	...	...	243
Pullazhi	16	60	32	10	38	...	...	156
Ayyanthole	47	223	67	25	100	...	..	462
Puzhakkal	28	17	171	24	11	...	..	251
Poonkunnu	13	48	23	1	25	2	...	112
Kuttur	51	101	30	39	199	...	...	420
Pottore	39	44	18	12	37	...	..	150
Kolazhi	29	40	11	10	14	1	..	105
Killannur	19	56	17	10	18	..	..	120
Kurichikkara	3	14	3	6	14	...	..	40
Viyur	14	59	75	3	56	2	...	209
Vilvattom	25	130	77	7	53	...	..	292
Peringavu	13	61	14	..	19	..	...	107
Total	453	1602	902	408	1184	6	..	4555

Any land tax.								
Chalakkal	17	71	26	16	121	...	..	251
Tholur	9	29	1	5	77	...	...	121
Edakolathur	12	99	6	19	21	...	...	157
Kaiparamba	16	164	52	95	115	2	..	444
Anjur	9	126	60	50	176	...	...	421
Avanur	12	83	13	50	40	...	..	198
Thangalur	13	105	120	34	20	..	...	292
Velappaya	21	181	22	25	23	..	...	282
Choolisseri	2	45	..	32	27	...	..	106
Peramangalam	27	75	72	107	103	...	...	384
Chittalappilli	14	53	44	66	87	..	..	264
Adat	14	20	25	9	33	..	...	101
Puranattukara	17	82	118	19	99	2	...	337
Pullazhi	16	135	94	40	81	...	...	366
Ayyanthole	54	339	91	65	149	...	...	698
Puzhakkal	28	27	220	31	34	..	..	340
Poonkunnu	14	52	23	1	31	2	...	123
Kuttur	58	141	55	101	315	...	...	670
Pottore	44	57	31	23	61	..	..	216
Kolazhi	46	71	75	37	50	1	..	280
Killannur	22	90	45	37	50	..	...	244
Kurichikkara	3	14	5	25	26	..	...	73
Viyur	25	131	203	35	147	2	...	543
Vilvattam	26	234	168	51	104	..	..	583
Peringavu	20	78	25	10	26	...	...	159
Total	539	2502	1594	993	2016	9	...	7653

16: VADAKKANCHERI CONSTITUENCY.

Re. I.								
Velur	56	71	5	14	67	..	..	213
Pudurathy	22	75	11	20	18	..	..	146
Mundathikode	46	107	42	87	75	1	..	358
Kilalur	23	10	1	1	4	...	..	39
Peringandur	19	57	15	30	11	..	...	132
Mnalur	16	37	6	8	6	...	...	73
Parlikad	6	56	6	8	3	..	...	79
Vadakkancheri	96	114	50	15	37	26	..	338
Choondal	26	197	41	45	97	17	...	423
Eyyal	44	96	55	30	40	14	..	279
Eranellur	9	166	27	31	54	18	...	305
Chiranellur	2	31	7	21	47	22	...	130
Vellattanjur	17	51	24	29	59	..	...	180
Kumaranelur	17	31	..	2	1	3	...	54
Enkakkad	28	52	14	3	6	16	..	119
Thekkumkara	37	62	25	2	1	10	..	137

Villages	Brahmins	Nayars	Other Hindus	Eshuvans	Xians	Muslims	Jews	Total
Manalithara	13	30	13	...	4	...	...	60
Viruppakka	8	53	4	..	..	3	...	68
Karumathara	8	36	5	1	6	1	..	57
Kanjirakkode	11	42	6	7	13	4	...	83
Total	504	1374	357	354	549	135	...	3273

Any land tax.								
Velur	72	150	10	38	138	...	...	408
Puduruthy	24	90	30	38	35	...	..	217
Mundathikode	60	138	57	147	118	2	..	522
Kilalur	28	26	1	5	16	..	..	76
Feringandur	60	94	38	74	25	1	..	292
Mnalur	19	70	11	23	17	1	..	141
Parlikkad	9	68	7	23	4	..	..	111
Vadakkancheri	135	163	86	40	67	36	..	527
Choondal	28	234	47	76	147	30	...	562
Eyyal	46	156	72	47	73	21	..	415
Eranellur	12	218	47	64	132	40	...	513
Chiranellur	2	94	11	28	130	39	...	304
Vellattanjur	17	102	29	44	106	..	...	298
Kumaranellur	18	47	..	9	5	30	..	109
Enkakkad	34	64	36	21	6	42	..	203
Thekkumkara	47	78	31	18	1	13	..	188
Manalithara	17	47	18	15	6	...	..	103
Viruppakka	8	66	5	8	...	7	..	91
Karumathara	10	42	5	3	10	2	..	72
Kanjirakkode	13	57	7	15	20	5	...	117
Total	659	2004	548	733	1056	269	...	5269

17. KUNNAMKULAM CONSTITUENCY.

Re. r.								
Kunnamkulam	19	57	20	36	513	2	...	647
Anjur	1	41	33	89	131	171	..	466
Arthat	20	46	20	83	114	6	..	289
Chowwannur	20	43	9	34	150	6	..	262
Kanipayyur	12	36	33	96	71	6	..	254
Chemmanthatta	16	45	11	23	67	6	...	168
Alur	3	29	12	29	92	1	...	166
Kandanasseri	21	80	19	120	80	3	...	323
Total	112	377	157	510	1218	201	...	2575

Any land tax.								
Kunnamkulam	23	95	51	118	859	6	..	1143
Anjur	2	59	65	129	155	280	...	690
Arthat	25	60	25	137	164	12	..	423
Chowwannur	23	89	10	72	222	19	..	435
Kanippayyur	13	46	55	134	93	15	..	356
Chemmanthatta	17	81	18	74	113	20	..	323
Alur	3	59	39	100	137	45	...	383
Kandanasseri	21	115	35	180	130	13	..	494
Total	127	604	298	944	1864	410	..	4247

18. PAZHANJI CONSTITUENCY.

Re. r.								
Perumpilavu	27	105	36	114	20	96	..	398
Pazhanji	4	96	16	107	328	42	..	593
Kattakampal	4	94	10	103	360	56	...	627
Kadavallur	37	108	51	111	53	89	..	449
Akathiyur	15	41	9	8	32	...	..	105
Kareekkad	6	82	30	83	46	68	...	315
Porkulam	27	45	32	22	65	3	...	194
Mangad	15	35	10	40	401	7	..	208
Chiramanangad	30	55	16	27	19	23	..	170
Vellarakkad	23	27	10	2	17	6	...	85
Kadangode	59	41	10	14	10	12	...	146
Total	247	729	230	631	1051	402	...	3290

Villages	Brahmins	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Any land tax.								
Perumpilavu	27	130	45	133	27	116	...	478
Pazhanji	4	169	43	143	438	54	..	851
Kattakampal	4	132	15	156	471	69	..	847
Kadavallur	37	135	65	135	62	110	..	544
Akathiyur	15	54	16	11	44	1	...	141
Kareekad	6	102	37	56	62	87	..	390
Porkolam	30	56	48	37	74	9	..	254
Mangad	28	51	12	69	131	9	..	300
Chiramanangad	37	90	28	41	24	51	..	271
Vellarakkad	24	38	12	4	27	10	..	115
Kadangode	63	48	13	19	12	15	..	170
Total	275	1005	334	844	1372	531	...	4361

19. CHERUTHURUTHY CONSTITUENCY.

Re. r.								
Nelluvaya	39	41	20	10	16	..	...	126
Thichur	23	41	6	..	...	9	...	79
Arangottukara	16	40	2	..	..	1	..	59
Talasseri	6	68	..	3	..	2	...	79
Varavur	37	126	32	30	3	53	..	281
Pulakkad	15	82	8	..	..	9	..	114
Kottappuram	40	85	31	9	36	6	..	207
Chittanda	27	66	30	8	24	4	..	159
Attur	9	11	1	...	..	4	..	25
Mullurkkara	28	60	12	15	7	...	...	122
Thayyur	82	44	...	11	22	..	..	164
Kariyannur	40	38	8	3	44	1	..	134
Nedumpura	27	219	37	..	..	40	..	323
Desamangalam	15	61	10	13	3	...	..	102
Pallur	18	87	10	11	..	14	..	140
Cheruthuruthy	25	183	54	29	..	56	..	347
Pynkulam	15	150	73	37	..	29	...	304
Panjal	30	40	16	4	...	1	..	91
Killimangalam	27	48	33	16	...	1	...	125
Thonurkara	42	188	56	39	6	5	..	336
Total	566	1678	439	238	161	235	..	3317

• Any land tax.

Nelluvaya	50	63	23	13	16	..	...	165
Thichur	21	68	14	5	..	32	..	140
Arangottukara	16	40	10	1	..	4	..	71
Talasseri	6	13	1	7	..	4	..	31
Varavur	43	201	60	48	3	72	...	427
Pulakkad	15	84	16	15	..	29	...	159
Kottappuram	46	96	52	33	43	11	...	281
Chittanda	35	75	55	26	34	9	..	234
Attur	14	13	3	...	..	8	..	38
Mullurkkara	35	88	20	37	16	..	...	196
Thayyur	109	75	2	23	40	4	..	253
Kariyannur	43	43	11	20	73	4	...	194
Nedumpura	28	422	116	...	..	73	...	639
Desamangalam	21	28	16	27	39	...	..	131
Pallur	20	123	20	26	..	39	...	228
Cheruthuruthy	32	295	60	71	...	72	..	530
Pynkulam	19	137	164	72	..	45	...	497
Panjal	30	100	51	16	..	4	..	201
Killimangalam	29	68	40	29	..	4	..	170
Thonurkara	54	206	87	68	17	23	..	455
Total	666	2298	821	537	281	437	...	5040

20. PAZHAYANNUR CONSTITUENCY.

Re. r.								
Chelakkara	88	60	36	3	15	20	..	222
Kurumala	6	20	6	3	5	2	..	42

Villages	Brahmins	Nayars	Other Hindus	Eshuvans	Xians	Muslims	Jews	Total
Pangarappilli	5	16	1	2	...	5	..	28
Pulakkode	41	90	10	2	1	4	..	148
Venganellur	66	148	15	2	6	4	..	241
Elanad	29	42	3	15	..	6	..	95
Vennur	15	21	4	1	..	1	..	42
Pazhayannur	103	212	44	5	..	24	..	387
Vadakkethara	68	75	72	2	1	..	..	218
Chelakkode	19	10	27	4	..	9	..	59
Kondazhi	11	199	24	9	..	..	..	243
Mayannur	15	67	31	6	2	1	..	122
Kaniarkode	67	230	165	..	..	..	..	462
Pampadi	28	88	17	..	..	..	..	133
Tiruvilluamala	38	180	135	1	3	..	..	357
Total	598	1458	580	55	33	76	..	2890

Any land tax.								
Chelakkara	104	64	62	22	35	38	..	225
Kurumala	16	25	16	14	12	15	..	98
Pangarappilli	8	28	9	12	..	18	..	75
Pulakkode	41	81	24	7	4	4	..	161
Venganellur	78	179	17	9	6	7	..	296
Elanad	32	48	9	22	..	9	..	120
Vennur	15	25	8	3	..	5	..	54
Pazhayannur	110	284	59	19	..	39	..	511
Vadakkethara	95	90	101	8	8	..	..	296
Chelakkode	23	19	29	24	..	31	..	116
Kondazhi	11	282	122	47	1	..	..	463
Mayannur	19	97	55	24	4	1	..	200
Kaniarkode	74	247	173	..	..	..	..	494
Pampadi	31	96	20	..	..	..	..	147
Tiruvilluamala	41	197	140	4	7	..	..	389
Total	698	1762	844	205	71	165	..	3745

21. NEMMARA CONSTITUENCY.

Re. 1.								
Tattamangalam	48	86	33	25	3	18	..	213
Pattancheri	31	79	36	44	1	10	..	201
Aylur	72	71	12	3	..	7	..	165
Kairadi	65	26	6	20	2	25	..	143
Thiruvazhiyad	65	68	10	25	2	16	..	185
Nemmara	93	127	30	8	..	3	..	261
Pothundi	35	33	41	1	1	3	..	114
Vallanghi	21	76	119	15	1	4	..	236
Total	430	566	287	141	8	86	..	1518

Any land tax.								
Tattamangalam	86	162	353	32	10	73	..	716
Pattancheri	31	95	41	54	1	16	..	238
Aylur	245	235	85	25	..	13	..	603
Kairadi	79	52	10	24	1	29	..	195
Thiruvazhiyad	86	97	11	39	2	31	..	266
Nemmara	266	215	82	26	..	5	..	594
Pothundi	45	37	43	1	1	3	..	130
Vallanghi	21	106	331	30	2	22	..	518
Total	859	939	956	231	17	192	..	3254

22. CHITTUR RURAL CONSTITUENCY.

Re. 1.								
Eravattaparathy	3	3	3	1	35	1	..	46
Thenampathy	1	1	1	1	4	..	..	8
Ozhalapathy	1	1	48	1	8	1	..	60
Attempathy	3	5	27	6	6	..	..	47
Vadakarapathy	8	8	10	18	98	7	..	149
Kozhinjampara	2	4	26	1	8	3	..	44
Manchikkunnampathy	3	4	53	2	45	5	..	110

Village	Brahmins	Nayars	Other Hindus	Ezhuvas	Xians	Muslims	Jews	Total
Eruthempathy	2	4	60	5	6	1	..	78
Kozhipathy	3	4	52	...	...	4	..	63
Valiavallompathy	10	18	23	10	...	2	..	63
Nalleppilli	18	54	16	5	...	2	..	95
Thekkedesam	25	23	48	31	...	1	..	128
Kuttippallam	9	6	7	...	...	1	..	23
Kunnamkattupathy	1	1	24	1	1	1	...	29
Moolathara	9	21	68	10	8	11	..	127
Perumatty	61	130	46	35	1	3	...	276
Chittur	40	56	21	22	..	3	...	142
Total	199	342	533	150	220	44	..	1488

Any land tax.								
Eravattaparapathy	4	3	3	1	53	1	..	65
Thenampathy	1	1	1	1	4	..	..	8
Ozhalapathy	3	1	56	1	8	1	..	68
Attempathy	3	5	35	6	6	..	..	55
Vadakarapathy	8	8	11	23	11	7	..	168
Kozhinjampara	2	5	28	2	9	3	..	49
Manchikunnampathy	3	4	53	2	45	3	..	110
Eruthempathy	2	4	60	5	6	1	..	78
Kozhipathy	3	4	65	..	..	5	..	77
Valiavallompathy	10	18	23	10	..	2	..	64
Nalleppilly	91	74	30	19	1	2	..	217
Thekkedesom	25	25	49	36	..	1	..	137
Kuttippallom	9	6	8	1	..	1	..	25
Kunnamkattupathy	1	2	24	1	1	1	..	30
Moolathara	9	22	69	10	8	11	..	129
Perumatty	65	136	41	44	1	4	..	301
Chittur	311	240	271	25	..	7	..	854
Total	549	558	837	188	253	50	..	2435

23. MATTANCHERI (NORTH) CONSTITUENCY.

Re. 1.	277	111	1438	231	513	745	115	3430
Any land tax.	278	113	1621	234	516	754	154	3670

24. MATTANCHERI (SOUTH) CONSTITUENCY.

Re. 1.	16	91	519	428	1585	676	6	3271
Any land tax.	16	95	598	432	1592	691	7	3450

25. ERNAKULAM (NORTH) CONSTITUENCY.

Re. 1.	73	182	403	330	1054	197	49	2288
Any land tax.	75	187	417	336	1084	200	57	2356

26. ERNAKULAM (SOUTH) CONSTITUENCY.

Re. 1.	310	772	462	147	866	138	49	2744
Any land tax.	320	792	491	154	904	144	74	2879

27. TRICHUR TOWN (NORTH) CONSTITUENCY.

Re. 1.	362	981	334	124	867	29	..	2697
Any land tax.	424	1352	491	176	1445	52	..	3940

28. TRICHUR TOWN (SOUTH) CONSTITUENCY.

Re. 1.	182	498	242	263	1713	119	..	3017
Any land tax.	219	733	353	323	2137	138	..	3903

29. CHITTUR-TATTAMANGALAM MUNICIPAL CONSTITUENCY.

Re. 1.	584	616	711	115	27	166	..	2219
Any land tax.	594	840	1282	250	48	255	..	3270