

**REPORT  
OF THE  
ADMINISTRATIVE  
REFORMS COMMITTEE**

1958

Volume 1

Part 1



26986

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## CHAPTER I

### INTRODUCTION

#### Constitution of the Committee

A well organised and efficient administrative system is essential for the proper working of Government in any modern State. Any system however satisfactory cannot hold good for all time. It has to be reviewed periodically and remodelled to suit the changing conditions. In their Proceedings No. P(S)4-27111 57, PD dated 15-8-1957 the Government of Kerala, therefore, ordered the constitution of a Committee with the following members, for examining the working of the present administrative machinery, assessing its adequacy and suggesting measures for improving its efficiency:—

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|---|----------|
| 1. Sri E. M. S. Nambudiripad, Chief Minister  | Chairman |
| 2. „ Joseph Mundasseri, Minister for Education  | Member   |
| 3. „ N. E. S. Raghavachari, I. C. S., Chief Secretary to Government                     | do.      |
| 4. Prof. V. K. N. Menon, Director, Indian Institute of Public Administration, New Delhi | do.      |
| 5. Sri H. D. Malaviya, formerly Editor, Economic Review, New Delhi                      | do.      |
| 6. „ P. S. Nataraja Pillai, Ex-Minister, Trivandrum                                     | do.      |
| 7. „ G. Parameswaran Pillai, Retd. Chief Secretary to the Government of Travancore      | do.      |

Sri H. D. Malaviya was appointed as full time member of the Committee.

Sri K. S. Menon, I. A. S. was appointed as full time Secretary to the Committee and Sri V. Ramachandran, I. A. S. as Under Secretary to assist him.

#### Terms of Reference

2. The terms of reference of the Committee are as follows:—

(i) To review the working of the administrative machinery as at present organised and the systems, procedures and precedents under which it functions with a view to assessing their adequacy for a democratic Government in a welfare State.

(ii) In the light of the above, to suggest measures calculated to improve the efficiency of the administrative machinery to enable it to cope with developmental activities in a welfare State.

(iii) To suggest measures for the co-ordination of the activities of the different Government departments and for the avoidance of overlapping in such activities.

(iv) To suggest measures for decentralisation of powers at various levels with a view to expeditious despatch of Government business.

(v) To suggest methods for democratisation of the organs of Government at the various levels with a view to effective participation of local self-governing institutions or other representative bodies in the administration.

(vi) Generally to make any other recommendation arising from the above matters.

### Method of Work

3. We held our first sitting on the 17th September 1957 at Trivandrum and, as resolved therein, suggestions were invited from Organisations, Institutions, Service Associations and individuals interested in public administration on the points covered by the terms of reference. 114 replies were received in response to our appeal. Based on the suggestions contained in them and also on the results of our own examination of certain aspects of administrative matters a detailed questionnaire was issued by us in November 1957. A copy of the questionnaire is given in Annexure I. About a thousand copies of this were distributed among Officials, Service Associations and important persons in this State and outside. Copies were also sent to the Chief Ministers and Chief Secretaries of other States. The answers contained much useful information and several concrete suggestions for the improvement of the administration. The Committee met on 62 days for examination of witnesses, for discussions and for finalising Part I of the report. The Committee held sittings in all District Headquarters for the examination of witnesses. Hearing of evidence began on the 8th January, 1958 and concluded on the 29th April, 1958. The session at Quilon could not, however, proceed according to schedule because the Chief Minister, the official members of the Committee and the official witnesses had to leave the session suddenly and attend to the relief of persons affected by food poisoning in the Sasthamcottah L.S.S. Camp

in Quilon district. 158 witnesses were examined in all including Members of Parliament and the Legislative Assembly, Municipal Chairmen and Commissioners, Presidents of Panchayats, Representatives of Service Organisations and Political Parties, prominent Non-officials, Retired Officers, Heads of Departments, Secretaries to Government and other officials. A list of witnesses examined is given in Annexure II.

4. In addition to examining them as witnesses the Committee had also informal discussions with certain Heads of Departments and Secretaries to Government. With a view to enable the Committee to have the benefit of a much wider range of public opinion than was possible to obtain through the answers to the questionnaire and the evidence of witnesses, arrangements were made with the press to allot some space in the Malayalam dailies for the public to express their views on matters relating to important aspects of administration like democratisation, decentralisation, recruitment to public services etc. We wish to express our thanks to the editors of the newspapers for the readiness with which they responded to our request and also for the useful suggestions made by them in their editorials. Our thanks are also due to the several officials and non-officials who were kind enough to give us the benefit of their views either in person or in writing.

5. We had also the privilege of meeting Shri S. K. Dey, Union Minister for Community Development, during his recent visit to the State. The views expressed by him were of great benefit to us and we wish to place on record our sincere thanks to him in this regard.

6. This report does not include our views regarding the structure and working of the several departments. While we realise that it is neither feasible nor necessary for us to suggest proposals for the reorganisation of all the departments, we feel that it would be appropriate to take up for detailed examination some at least of the important departments like Industries, Education, Health Services, Agriculture, Co-operation etc. We propose to do this within the next few weeks but do not consider that the submission of our main report, which covers the major part of our field of enquiry, should be postponed till then. We have, therefore, decided to present this report to the Government and to include our suggestions regarding the individual departments in Part II of this Volume, which we hope to be able to submit before the middle of September next.

## **CHAPTER II**

### **ADMINISTRATION IN KERALA**

#### **A Retrospect**

We propose to deal in the chapter with the salient features of administration in the three regions of Kerala State.—Travancore-Cochin and Malabar—until the integration of the first two in 1949 and of Malabar with the rest in 1956.

#### **I. TRAVANCORE**

2. Modern Travancore is the result of conquest and consolidation, between 1739 and 1758 of numerous small principalities, during the reign of Marthandavarma Maharaja. The boundaries of the State extended from Parur in the North to Cape Comorin in the South, covering an area of 7,651 square miles, and having a population of 6,070,018 according to the census of 1941.

#### **General Administration**

3. The Ruler was the source of all authority and the Government of the country was conducted in his name and under his control by one Minister, called the Dewan.

The Secretariat was divided into Departments, functioning according to regular rules of business. Next to the Secretariat were the Heads of Departments. Specialised field services existed for agriculture, public health, sanitation, industries, geology, etc. In certain matters the Travancore State possessed much wider powers than the British Indian Provinces. Thus it exercised jurisdiction over such subjects as Customs (including import and export duties), Foreign Trade and Commerce, Income Tax, Excise, the State Posts, Telegraphs and Telephones, Coinage, Broadcasting, Ports, Shipping, Light Houses, Mines and Minerals etc.

(Travancore had its own coinage in Gold, Silver and Copper. The Silver and Copper coins were legal tender in the State until 1950. The Travancore Mint was established in 1789 and it continued to function till the date of the Travancore-Cochin integration in 1949. The State Postal System was first introduced in 1784).

## **The Official Year**

4. The Official Year in Travancore was calculated according to the Malayalam era or the 'Kollam era' until integration with the Indian Union in 1950. The era begins with the month of Chingom, about the middle of August.

## **Representative Institutions**

5. Travancore was the earliest among the Indian States to establish a legislative council. This was done in 1880. It was reconstituted from time to time with wider powers. In 1922-23 an elected majority was provided for and budgetary control and the right to ask questions and move resolutions conceded. In 1900 an elected Popular Assembly, meeting once a year, was added to enable representations to be made to Government on local needs as well as matters of general interest. In 1932 these two bodies became the two chambers of a new bicameral legislature,—the Shri Chitra Council and the Shri Mulam Assembly. The latter had a large elected majority. From the earliest days of the Travancore legislature women had equal rights with men in voting and being elected. In 1947, the Assembly was reconstituted on the basis of adult suffrage with all members elected—also an elected President—and with enlarged powers. A Council of Ministers responsible to the Legislature was also established in the same year under a Proclamation which was in force till 1949 July, when the integration of Travancore and Cochin took place. To help the legislature perform its duties well there were both a Finance Committee (associated with the Government in preparing the Budget) and a Public Accounts Committee, both elected.

## **The Judiciary**

6. The Judiciary was modelled mainly on the British Indian system. A High Court was established in 1835; this heard appeals from the lower courts. The State had its own Civil and Criminal Procedure Codes, with certain distinctive features. Thus, as early as 1835, the Civil Procedure Code laid down that no court shall award interest at more than 6 per cent on the decree amount or more than 12 per cent on the principal amount, such interest also not to exceed one half of the principal sum. Capital punishment was abolished in 1944, although from early times women were exempt from such punishment.

## **Local Self-Government**

7. The earliest legislation in Travancore relating to local self-government was in 1894 when Town Improvement Committees were set up in Trivandrum, Nagercoil, Quilon, Alleppey

and Kottayam. Later, they were allowed to collect taxes and licence fees. These Committees were afterwards replaced by Municipal Councils which, under an Act of 1919, were given non-official majorities with enlarged functions and wider powers of taxation. Village Panchayats, based on adult suffrage, were established in 1925 and Village Unions in 1939.

### Revenue Administration

8. The unit of revenue administration was the village, with a 'Parvathikar' in charge. Above him there were Tahsildars, Assistant Peishkars and Dewan Peishkars, who, besides being revenue officers, functioned also Magistrates. In 1923, the Tahsildars were divested of their magisterial functions.

9. There were periodical surveys and settlements and records of these are available from 987 M. E. (1811). When the 30 year period expired after the last settlement the question arose whether resurvey and resettlement were necessary. It was however, considered that the interests of the small and the middle class land holders would be best served by abolishing taxation on land as such, retaining only a nominal rate as basic tax and imposing a tax on agricultural incomes on big land holders and estate owners. This reform was introduced in 1945.

### Agrarian Reforms

10. In the matter of agrarian reforms, the Maharaja issued a Proclamation as far back as 1865 conferring on the ryots holding Sircar Pattom lands on Venpattom, Melpattom, Marapattom, etc., full saleable, heritable and otherwise transferable rights. Another Proclamation issued in the same year conferred permanent occupancy rights on lands held by Kana-pattom tenants. This was the nucleus of all subsequent land legislation which culminated a quarter of a century ago in the Travancore Jenmikudiyan Act of 1108 (1932) conferring absolute rights of ownership on 'Jenmam' lands held on Kana-pattom tenure and treating such lands on the same footing as those held on 'patta' from Government.

### Literacy

11. In point of literacy the States of Travancore and Cochin stood foremost in India. Even as early as 1817 primary education was declared free in the State by Royal decree. The Travancore University was established in 1937.

## **Social Legislation**

12. By a series of measures of social legislation in 1088 and 1100 M. E. (1912 and 1924) on marriage, inheritance and succession and rights of partition, among important communities following the Marumakkathayam system, individual rights over property were fully recognised and given effect to.

### **Temple Entry Proclamation and abolition of untouchability**

13. Travancore was the first State in India to declare by law in 1936, the right of every Hindu, irrespective of caste and every person who has accepted the Hindu faith, to enter the temples and worship in the same manner as is open to those known as 'Caste Hindus'. *Untouchability* was abolished throughout the State.

14. The bulk of the expenditure out of the total revenues of the State was on *Social Welfare Departments* such as Education, Public Works, Medical and Public Health including Ayurveda, Irrigation, while the cost of administration was kept at a low level. The highest sanctioned salary of the Dewan was only Rs. 2,000 though distinguished public men and officials of the neighbouring British Indian Provinces whose services were obtained, were paid a higher salary. The sanctioned salary of the Chief Justice was Rs. 1,200 and that of the Chief Secretary and the High Court Judges Rs. 900.

## **Industrialisation**

15. There was vigorous industrialisation between 1939-1947. The Ceramic and Rubber Factories, The Fertilisers and Chemicals, the Travancore Rayons, the Forest Industries, the Aluminium Industries, the Electrical and Allied Industries, the Travancore Enamel Industries, the Travancore Cements, the Electro Chemical Industries, the West Coast Fisheries, the Travancore Titanium Products, the Balaramapuram Textiles, the Indian Aluminium Company, the Travancore Sugars and Chemicals, the Travancore Ogale Glass Factory, the Vijaya Mohini Mills were all started during this period.

The Bus Transport in the State was nationalised in 1938.

### **The Public Service Commission**

16. A Public Service Commissioner of the status of a High Court Judge was made responsible for recruitment to the public service. Recruitment to administrative service known as the



"Travancore Civil Service" was by open competition through an examination and interview.

### **The Army**

17. Travancore had its own Army, which was reorganised as the Travancore Nair Brigade in 1818. Since 1935, the Travancore Army formed part of the Indian State Forces. The units were known as the First, Second and Third Travancore Infantry. The State forces consisted of Infantry Units, the State Forces Artillery, the Travancore Training Centre, the Sudarsan Guards and the State Forces Band. With the integration of the State with the Indian Union the Army units were absorbed as units in the Indian Army.

### **General**

18. It may be mentioned in this connection that the former Indian States of Travancore and Cochin enjoyed a considerable measure of freedom in regard to internal administration subject only to treaty obligations and paramountcy relations with the British Power. As almost all the officials, even of the higher ranks, belonged to the States, there was a great deal of identity of interests between the people and the administration.

## **II. COCHIN**

19. Cochin was a much smaller State than Travancore. At the time of its integration with Travancore it had an area of 1480 sq. miles and a population of 14.5 lakhs.

Although the history of the State and its ruling house can be traced back to medieval times, the foundations of the modern administrative system of Cochin were laid only in 1812-1813 when Colonel Munro was both its Diwan and Resident. This system was extensively reformed by Diwan Edakkunni Sankara Variyar (1840-1857). Further reforms were introduced from time to time by later Diwans, many of whom had experience earlier of the Madras system, and some of whom like Thotekkat Shankunni Menon were sons of the soil. The administrative system, as it existed at the time of integration, owed also a great deal to Maharaja Sir Rama Varma.

### **General Administration**

20. The Maharaja was the head of the Government, and usually he took an intimate interest in the details of the administration. All heads of departments had for long to submit to him their fortnightly diaries through the Diwan. They had also to see His Highness every month to report to him personally about the working of their departments.

The Diwan was often an officer borrowed from the Government of Madras. A Minister from among the elected members of the legislature was associated with the Diwan from 1113 M.E. (1938). In the period preceding integration with Travancore, the office of the Diwan was abolished and a Council of Ministers chosen from the legislature was in charge of the administration under the Maharaja.

The Secretariat had at first only a Chief Secretary, (his original designation was Secretary to the Diwan) and a Joint Secretary who divided all the departments between them. Later there were two Secretaries in addition to the Chief Secretary. Below the Secretariat the usual departments of government were organised under their heads. The Diwan Peishkar was the head of the revenue system and the District Magistrate, of the magistracy.

### Representative Institutions

21. The influence of the \*'Koottams' at the level of the 'Thara', 'Kara' and 'Nadu' waned when the country came under British paramountcy, but in course of time the popular demand for the association of the citizens with the administration of the State gradually grew in volume. The Cochin Legislative Council was established in 1924. A Finance Committee was constituted in 1101 M. E. (1925). The next important landmark in the progress of democracy was the passing of the Government of Cochin Act in July 1938 when the post of a Minister responsible to the Legislature was created and he was entrusted with the departments connected with rural development. Thus Cochin earned the unique distinction of being the first State to inaugurate ministerial Government. In sympathy with the upsurge of the democratic feelings elsewhere in India, public demand, however, continued to be insistent that this step should be further extended to all departments and in 1946 all the departments except Finance, Law and Order and Devaswoms were placed under popular Ministers. The Ministers along with the Diwan formed the Cabinet of the State. Next year, the office of the Diwan was also abolished and the first Cabinet with an elected Prime Minister came into power on 1st September 1947. The powers of the Maharaja, whether resting on prerogative or statute, were, in practice, exercised only on the advice of the Ministers who were members of the Legislature and enjoyed the confidence of the majority thereof. The Maharaja assumed the role of the constitutional head of the State and remained so till the formation of the integrated State of Travancore-Cochin.

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\* Village assembly.

† Small territorial units.

## The Judiciary

22. The Head of the judiciary was the Chief Court, which was later on converted into a High Court. There was complete separation of the judiciary from the executive, effected about 75 years prior to Integration.

## Local Self-Government

23. Civic administration was first introduced in Cochin in the form of Sanitary Boards constituted in important towns about the year 1902. They were merely advisory bodies and had no powers of taxation. They were later reconstituted into Town Councils (1909). Councils were established in the towns of Ernakulam, Trichur and Mattancherry. The elective method was also introduced in the composition of these Councils. A Regulation of 1920 increased the strength of the Councils and brought the elected and nominated members to the ratio of 2:1. The Councils were also given enlarged administrative and financial powers. Further democratisation of Municipal administration took place in 1937. It followed the model of the Madras District Municipalities Act. This Act fixed the strength of the Councils on the basis of population and also provided for an elected Chairman and a Vice-Chairman, and a full-time salaried Commissioner in whom was vested the executive functions.

24. Self Government in villages was a familiar feature in early Cochin. There were Headmen or 'Pramanakkars' who were selected by the Government and associated with the work of the Government officials like \*Parvathiams, †Menons, etc. They kept watch over the general well-being of the village, reported about the presence of suspicious characters in the village, the state of roads, bridges and avenue trees and government 'poramboke' lands. They were asked to scrutinise the solvency of parties who happened to stand sureties in matters over which the State had a financial interest. They were even entrusted with the work of relieving distress in any form in the village and generally looked after the social needs of the community. Money grants were made on their request whenever necessary for discharging their duties. They very often acted as arbitrators in small disputes and for adjudication of small claims and their decisions were almost always implemented by the executive authorities. There were no restrictions as to the number of these Headmen.

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\* Village Officers,

† Village accountants.

25. These Headmen or 'Pramanakkara' were the forerunners of the Panchayats of later days. Panchayats for specified areas were constituted by Act V of 1089 M. E. (1913). They were organised with a view to render the principal and more intelligent subjects of H. H. the Maharaja useful by employing them in administering justice to their neighbours and also by entrusting to them certain public duties such as the construction, repair and maintenance of village roads, tanks and wells, the execution of repairs to and maintenance of minor irrigation works and the distribution and regulation of water supply, improvement of sanitation, prevention of epidemics, the maintenance of water pandals, the preservation in tact of all poramboke paths, lanes and canals and village reserves. . . . the improvement and development of agriculture, prevention of cattle mortality and such other matters calculated to promote the health, comfort and prosperity of the inhabitants of the rural areas. Section 11 of the Act included in their duties and responsibility, all the above matters and also, the formation of co-operative societies, supervision over elementary education, maintenance in tact and repair and renewals of survey and boundary marks, control of cattle pounds, and the undertaking of remunerative enterprises like markets and slaughter houses. Act V of 1089 M. E. (1913) was subsequently amended a number of times, and the nomination of members by Government was ultimately replaced by election on the basis of adult suffrage.

26. The same Act provided that either the Village Panchayat itself may function as a Court or a separate Panchayat Court may be formed for a group of Panchayats by election by the members of the Panchayats concerned. The Panchayat Courts had jurisdiction to try petty civil disputes and power to execute their decrees.

This combination of administrative and judicial functions in the same body continued till 1943 when the Village Court Act was passed in pursuance of the view expressed by a Committee appointed by the Government, that it was better to have two separate bodies for the two different functions.

#### **Land, Land Tax and Land Records**

27. All lands in Cochin fall under two broad categories: Pandaravaka lands or lands belonging to Government, and Puravaka lands or lands belonging to the Janmies. All other tenures are derivatives of either of these two. Pandaravaka lands are held by the ryots directly under the Government on

the same footing as that on which Puravaka lands are held by the tenants under the Janmies. There was, however, a difference in the matter of assessment between these two classes of lands. Puravaka or Jenmom tax was only one-third of the Pandaravaka assessment. The right of the tenants under the Jenmies can be further divided into Verumpattam, Kanam, Panayam, Anubhogam, etc. So far as lands under Government were concerned, full fixity of tenure was granted to all kinds of them by the Proclamation dated 27-7-1080 (1904). This gave the impetus and inspiration for tenants under the private landlords also to claim permanent occupancy right. There was a sustained agitation in this regard, and on the recommendation of a committee which was appointed to go into the matter a law was passed in 1090 M.E. (1914) (Act II of 1090) conferring fixity of tenure on Kanam holdings which were 30 years old on the date of passing the Act subject, however, to the right of the janmi to retake on certain grounds such as denial of title, waste etc. This was replaced by Act XV of 1113 M.E. (1937) which brought Kanams till that date within its ambit. The effect of this Act was that the Kanam tenants under the janmies enjoyed all the advantages of permanency without detriment to the legitimate interests of the owners of the land. The benefit of fixity of tenure was conferred on Verumpattam tenants also later by Legislature in 1118 M.E. (1942). It may be stated in this connection that Act XV of 1113 M. E. (1937) has since been repealed in 1955 (Travancore-Cochin) and the present position is that the tenant is the owner of the holding subject to the payment of what is called 'janmikaram', a fixed cash payment in lieu of 'Michavaram' and renewal fees. All customary imposts have also been abolished. The system of basic tax which was prevalent in the Travancore area has now been extended to Cochin as well.

There has been a complete survey of all lands in Cochin, and up-to-date Survey Records are available.

### Other Aspects

28. Cochin shared with Travancore the distinction of being in the forefront in the matter of **education**. The Government of Cochin had its own small coins, such as 'Puthen' (10 pies), 'Eratti Puthen' (20 pies) and 'Panam' (4 annas 7 pies). It also had its own stamp papers of all denominations. There was also an internal Anchal system of post. The Nair Act (of 1095 M.E. and 1113 M.E.), the Nambudiri Act, the Ezhava Act and the Marumakkathayam Act introduced vast and important changes in the **family systems** of the communities

concerned by giving them the right to partition, statutory recognition of marriages and providing for inheritance of self-acquired properties. They generally helped to promote harmonious relationship between the component members of a joint family and to remove the evils inherent in a system of joint holding of properties by a family and their management by one member thereof.

29. It was generally believed that as the State was small, the eye of the Ruler could see everything and that therefore defects, if any, were corrected soon, and reforms, when desired, were introduced without delay.

### III. MALABAR

#### General Administration

30. After the Perumal period in the beginning of the 9th century A. D., till the establishment of the British Supremacy following the Treaty of Seringapatam in 1792, Malabar consisted of a collection of independent principalities constantly at war with one another, the Zamorin being the most successful, ultimately, amongst them. There were 22 such principalities or 'Nadus' with Kolatnad in the north and Thenmalapuram at the southern end, when the East India Company assumed supremacy and set itself to the task of establishing a unified government. In 1793 the East India Company appointed its first Supervisor and Chief Magistrate of Malabar, (which was then referred to as a Province), with two Superintendents under him, having revenue and magisterial charge of the northern and southern divisions, with headquarters at Tellicherry and Cherpalasseri respectively. It was in 1801 that a Collector was appointed for the first time. The Collector, in earlier years, was assisted by 9 subordinate Collectors in the administration of the revenue and civil government. Intermittent internal unrest necessitated the appointment of senior and experienced officers as Collectors of the district. Messrs. Warden, Conolly, Logan, all come in this illustrious galaxy and have left indelible impressions in the administration of this area. This system of sending to the charge of Malabar senior civil servants continued as a tradition, and was kept up even in the immediate post-war period. The Collector of Malabar always enjoyed a status quite different from the Collectors of other districts. The Government looked to him for deciding policies in the administration of Malabar.

31. As in other areas of Kerala, in Malabar also, the unit of administration was the village. The genesis of the present

village is to be traced to the \*'Desam' or \*'Nadu' that constituted the petty states of old. The Headman of the 'Desam' was called the 'Desavazhi'. He was the Revenue Officer and the Military Chief of the village with power to try petty cases. In police and judicial matters he was assisted by two or three respectable inhabitants called, 'Pramanies',—of superior castes, i.e. Nambudiris, Nairs, Chetties and Mappilas, but chiefly Nairs. Under the Company's government the village system was reorganised by grouping a number of 'Desams' into an 'Amsom'. This was done in 1822. There were originally 2202 'Desams' grouped in to 429 'Amsoms', each under a Headman, who was named 'Adhikari'. As many of the old 'Desavazhis' as possible were appointed as 'Adhikaris'. To assist each Adhikari a Menon or Accountant and a small staff of 'Kolkarans' or peons were appointed in each 'Amsom'. Later the number of 'Amsoms' was increased to 736.

32. Village Officers were paid fixed salaries. But 'Adhikaris' did not consider their remuneration as an important factor. They were men of influence and status and the post was to them a matter of honour. This position gradually changed and 'Adhikaris' to-day generally consider their office as a means of livelihood like other Government servants.

33. The Revenue Administration of the district was controlled by the Collector. At one time he was assisted by three Sub-Collectors, at Tellicherry, Malappuram and Palghat, and three Deputy Collectors, one at Calicut, another in Wynad and the third in Cochin. There was a Tahsildar for each Taluk. The constitution of the Divisional charges has been changed frequently according to necessity. At the time of the reorganisation in 1860 the number of taluks was reduced from 17 to 10, which continued unchanged till a few months prior to the formation of the Kerala State on 1-11-1956. At that time there were only five Revenue Divisions, i.e. Tellicherry, Malappuram, Palghat, Calicut and Cochin, the first three being Sub-Collectors' charges and the last two Revenue Divisional Officers' charges. There was one independent Dy. Tahsildar in each Taluk.

34. Each taluk was divided into five or six regions called 'Firkas' and there was a Revenue Inspector for each 'firka', whose duty it was to supervise the work of the village officers and assist the Tahsildar in the matter of local enquiries and field inspections. There were 52 such firkas in Malabar at the time of the formation of the Kerala State. The same system

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\* Small territorial units.

continues to-day. It may be observed in this connection that this is prevalent in the Cochin area as well, but not in Travancore.

Besides being the head of the Revenue Administration of the District the Collector discharged many other functions such as managing estates of minors, supervising administration of Municipalities, Local Boards and Endowments, and advising the Government in regard to Police, P. W. D., Education, Public Health and all other matters which affected the welfare of the people. As Additional District Magistrate (Executive) he was also responsible for the maintenance of Law and Order.

#### *The Judiciary.*

35. The set up of the judiciary in Malabar was the same as elsewhere in Madras State. There were two District and Sessions Courts with a number of subordinate Judge's Courts and District Munsiff's Courts under them. Petty civil cases were tried by elected village panchayats. The Adhikaris had certain minor magisterial powers. Where there was no Panchayat Court they tried civil cases also under Sanads given to them and in this capacity they were called Village Munsiffs. Until about two years prior to the formation of the Kerala State, the officers of the Revenue Department from the Dy. Tahsildars right up to the Collector functioned also as Magistrates having original and appellate powers. Later, the separation of the Judiciary from the Executive was effected and the Revenue Officers functioned only as Executive Magistrates.

#### *Local Self-Government*

36. Modern Self-Government in Malabar began in 1871 when the Local Funds Act of Madras was passed. Under the Act, a Local Fund Circle, with a Local Board, was constituted in the District. The Collector of the District was the ex-Officio President of the Board and the Members of the Board were nominated by Government with the restriction that the number of non-official members should be at least equal to the official members. The Local Boards, which were made responsible for the Local Funds, attended to: (1) construction, repair and maintenance of roads and communications; (2) maintenance of schools either wholly or by means of grants-in-aid, inspection of schools and the training of teachers, (3) the construction and repair of hospitals, choultries, etc., and (4) any other local works of public utility calculated to promote the health, comfort and convenience of the people.



In 1884, the Madras Local Boards Act was passed. The main principles underlying this Act were that the management of Local Boards should, as far as possible, be in the hands of non-official persons with their own elected Chairmen and that a Local Board should be limited to an area small enough to secure local interests and knowledge. Each revenue village or group of villages was constituted into a rural sanitary unit, called the Union. Above the Unions were the Taluk Boards, which in turn were made subordinate to the District Board. The District Board consisted of representatives from the Taluk Boards. The numbers of the non-official members were increased simultaneously reducing the proportion of officials in these Boards. Increased independence and powers of sanction were given to all the Local Boards.

The year 1920 is significant in the history of Local Self-Government in the Madras State, as three important Acts were passed during that year. The Local Boards Act of 1884 was repealed and a new Act was passed, which, though not substantially different from it, considerably altered its structure. The Madras District Municipalities Act and the Madras Village Panchayat Act were also passed during this year.

In 1930, the Village Panchayat Act was abolished and the Panchayats were also included within the scope of the Madras Local Boards Act as units of Local Self-Government in the rural areas. Another important step in Local Self-Government was taken when the seats in the Local Boards were filled up by election. At the same time, the cadre of the executive officers of the Local Boards, like the District Board Engineer and the District Health Officer, was provincialized.

37. Experience of the working the Local Boards showed that the duties and functions of the Panchayats, the Circle Boards, the Taluk and the District Boards were similar in many respects and overlapping in certain cases. It was found that there were no services performed by a Taluk Board which could not be taken over by either the District Board or Panchayat Board. It was also considered that the abolition of the Taluk Boards would give an incentive to the development of Village Panchayats and so, the Taluk Boards were abolished in 1934.

38. With the abolition of the Taluk Boards, the Malabar District Board was made responsible for the following:—

- (a) Levy and collection of Profession tax and licence fees in non-panchayat areas;

- (b) Maintenance of all roads in the Malabar area excepting the Kozhikode—Vayitri—Gudalur road and the Tellicherry-Coorg road.
- (c) Maintenance of travellers bungalows, rest-houses, choultries and water sheds.
- (d) Management of ferries under the canals and public Ferries Act.
- (e) Management of Secondary, Higher Elementary and Elementary Schools.
- (f) Management of all hospitals and dispensaries excepting those managed by Municipalities at Taluk Headquarters stations.
- (g) All matters relating to Public Health. (The District Health Officer was a Government Officer while the Health Inspectors were Government Officers working under the D. H. O., the Health Assistants, Maternity Assistants, Cholera Inspectors, etc., were appointed by the President, District Board.)
- (h) Management of markets, cart stands, slaughter houses etc.

39. At the time of States' Reorganisation, the Malabar District Board was maintaining about a thousand miles of roads under different categories. There were 1011 Primary Schools and 26 Secondary Schools under the Board. The District Board was also maintaining 3 hospitals, 21 rural dispensaries of modern medicine and 3 of indigenous medicine.

40. The Village Panchayats which were governed by the Local Boards Act were reconstituted in 1950 under the Madras Village Panchayats Act which was passed in order to invest the Panchayats with larger powers in matters relating to village life and village economy. Under the Act, every village with a population of 500 and more was to have a Panchayat although for administrative reasons the unit of population has been taken as 1000. Panchayats are of two kinds, Class I, i.e., Panchayats having a population of not less than 5000 and an estimated annual income of not less than Rs. 10,000 and Class II all other Panchayats. Election was on the basis of adult franchise—in Class I Panchayats by secret ballot and in Class II Panchayats by show of hands.

41. The Panchayats were invested with two categories of functions: (a) obligatory and (b) discretionary. Obligatory functions include construction and maintenance of public

roads; provision of street lighting; drainage; sanitation; protected water supply and other public health measures. Discretionary functions include planting of trees on road margins; opening and maintenance of elementary schools, reading rooms, markets and cart stands, slaughter houses, dispensaries and maternity and child welfare centres, control of fairs and festivals; improvement of agriculture and veterinary relief. The Panchayats of the Malabar area are functioning also as Panchayat Courts, under the Madras Village Panchayas Act.

#### *Land Tenures, Taxes and Survey.*

42. There are three main forms of land-holding in Malabar: 'Jenmam', 'Kanam' and 'Verumpattam'. 'Jenmam' denotes absolute ownership of land. The conception of 'Kanam' is that it is a long term lease, granted by the 'Jenmi', with liability to pay in kind or in cash, a fixed annual rent, the tenancy to be renewed generally at the end of every 12 years on payment of a renewal fee. In certain areas 'Kanam' partakes of the character of a mortgage with possession. 'Verumpattam', in simple terms, is an annual lease held under a 'Jenmi' or a 'Kanamdar', who would be entitled to get a specified share of the produce as rent.

43. The rights over lands held under 'Kanam' tenures are transferable and heritable. The Malabar Compensation for Tenants Improvements Act 1887, as amended in 1900, ensured to the tenant, on eviction, compensation for the improvements effected by him. The Tenancy Act of 1929 conferred a qualified fixity of tenure on cultivating Verumpattamdars and a right to demand renewal of leases on Kanamdars and customary verumpattamdars. It also prescribed rates of fair rent and provided for the determination of such rents in the case of verumpattamdars and cultivating Kuzhikanamdars. Later, in 1946, the Madras Tenants and Ryots Protection Act was passed which prohibited the eviction of a tenant by his landlord in pursuance of a decree or order for eviction, and the sale of any holding held by a tenant in pursuance of such decree or order or the proceeding for recovery of rent. In 1951 the Malabar Tenancy Act was amended giving fixity of tenure to all classes of tenants viz., cultivating verumpattamdars, customary Kanam-Kuzhikanamdars, Verumpattamdars, Kanamdars, Kuzhikanamdars and tenants of homesteads. It also reduced the fair rent and provided a larger allowance for cultivation expenses. A machinery was prescribed for the settlement of fair rents and the system of periodical renewals of leases in the

case of Customary verumpattamdars, Kanamdars and Kuzhikanamdars was abolished.

The Act was amended again in 1954, and this amendment further reduced the fair rent to garden lands and tightened the provision for eviction and limited fixation of fair rents to disputed cases.

44. The rate of land tax was based on soil classification, as ordered in periodical settlements. An Income Tax for plantations was also in force. These have been recently replaced by the Basic Tax and the Agricultural Income Tax prevalent in the Travancore-Cochin area.

45. Survey of lands had been done except in the case of large private forests. The survey records are up-to-date.

46. The area and population of the Malabar region at the time of the States Re-organisation in 1956 were 6561 square miles and 54.23 lakhs respectively.

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