

COMPULSORY PRIMARY EDUCATION

IN the course of two speeches made at the opening session of the 22nd All-India Educational Conference which met at Trivandrum recently, SACHIVOTTAMA SIR C. P. RAMASWAMI AIYAR, Chairman of the Reception Committee, outlined for the benefit of the large concourse of educationists from all parts of India the main features of the Travancore Government's educational policy, with special reference to educational reforms now being implemented and the scheme of compulsory free primary education.

The State's Educational Programme

Education in Travancore, observed the Dewan, was a plant of long and steady growth. He paid a tribute to those men who in a most self sacrificing manner from far-off countries came here and laboured hard in the field of education, mainly missionaries from various parts of Europe and America. To them the country owed a great debt which was best discharged by acknowledging with lively gratitude their labour and its fruits. Today we felt we could in the main take that work upon ourselves, though with their co-operation.

We had today about $\frac{2}{3}$ of a million boys and girls attending schools in the State. We were endeavouring to develop the technical and technological sides of our culture. The Dewan then gave a birds-eye view of the main ideas that had animated government and a summary of the recommendations of the Education Re-organisation Committee which were most comprehensive in character and which had in the main been accepted by the Government of Travancore. The reforms related to primary, secondary, high school and University grades, with provision for industrial, technical and technological education.

Primary Education Controversy

Turning to what he described as the controversy that certain people said was rocking Travancore, Sir C. P. Ramaswami Aiyar quoted from the views expressed by Sir John Hammerton as to the position in New Zealand where they had given the experiment of educational reform the fullest scope.

"The only wise solution to the religious difficulty in the State teaching of the young," said Sir John, "is to leave religion, whether denominational or 'approved', out of the curriculum, and to let every church and sectarian body undertake in its own way the teachings of its particular beliefs, its creed, its doctrines, through its own extra-mural organisations".

Religious Education

Speaking on behalf of the Government of Travancore and for himself, he said he greatly prized and valued the importance of religious and moral education.

He made it clear that every religious body in the State which had until now conducted a school, primary, secondary or otherwise, for the purpose of promoting its own tenets would be allowed to do so, provided that the general educational standards attained by that institution

vere such as could be approved by the State. If any of the denominational institutions wished to impart religious instruction to pupils of the same denomination, Government would give them suitable assistance, but it was inexpedient and under present conditions perilous that a person, professing one religion should teach the tenets of that religion to students belonging to another religion.

There had been difference of opinion on that matter but Government hoped and believed that compromise was possible in this matter and were looking forward to it. Government were not against but actively in favour of, imparting moral and religious instruction but only that it should be imparted in the appropriate atmosphere by professors of each religion to pupils of the same religion. That requisite being complied with, Government would only be too glad to extend the hand of encouragement.

Students and Politics

The Sachivottama said that the University of Travancore and the Government had made it abundantly clear that it was open to any student, boy or girl, or adolescent, to speak and debate with the utmost liberty and freedom on any subject within the four walls of his or her educational institution. But the period of studentship and university education was not the period when the young student should be encouraged to take part in outside agitation, in the politics of the outer world and those controversies and direct action programmes which today seemed to be inseparable from certain forms of political activities and achievement.

Education in the Future

Another point to which the Dewan drew attention was that our curriculum and course of studies were irrelevant to the needs of modern society, specially in India. Students are too often subjected to the tyranny of examinations which are based on a mass production technique. In India especially consideration must be given to the needs of agricultural life and to the promotion of better understanding between the people of the town and of the country. A new orientation had to be given to the teaching of history, geography and modern languages in order to arouse and quicken in the pupils a livelier interest in the meaning and responsibilities of citizenship. Education in the future must be a process of a widening of the horizon, from the schoolroom to the community, from the community to the nation and from the nation to the world. And progressively the pupils must be made aware of the life of which they form a part.

Concentration on Research

The programme which the Government had set before themselves was a very big one and could but be partially fulfilled with the best will in the world. Even in a progressive country like England they had been postponing implementing the Butler Act of 1944.

The object of the Travancore University, concluded the Dewan, was to concentrate upon research which was indispensable for the future of the country, as well as statistical methods which must go hand in hand with research.

We had, further so far not paid adequate attention to Civics which is one of the essentials of university education.

Proposals for the New Constitution of Travancore

THE Government of Travancore have now issued a press communique outlining the Constitutional Reforms proposed for the State in amplification of the previous communique on the subject.

The communique is divided broadly into five Parts; the first dealing with the Legislature, the second with the Executive, the third with the functions of the Dewan *vis-a-vis* the Legislature and the Executive, the fourth with the Judiciary and the fifth with the residuary powers of the Sovereign.

The outstanding features of the Legislature are as follows:—There will be two Houses of Legislature called "The Sree Chitra State Council" and "The Sree Mulam Assembly". The Sree Chitra State Council will consist of representatives of institutions, faculties and professions such as Lawyers, Engineers, Bankers, Labour, Village Unions, Village Panchayats, the University, the Municipality, etc. The election to this House will be from members of these bodies and professions. An age limit of 30 years is prescribed. It is expected that this Chamber will consist not less than 60 members and that the Chamber will function as an expert body which will be useful as a moderating factor when important technical and financial interests or subjects are involved.

The members to the Sree Mulam Assembly are proposed to be elected on adult suffrage. Any adult male or female over 21 years of age will be entitled to vote for election to this House and the age limit for a candidate is tentatively fixed at 25. This House will consist of about 160

members on the basis of one member for approximately every 18000 of the population.

The Legislature consisting of the two Houses will transact all legislative business on all subjects excepting a few which are not subject to the purview of the Legislature. These exceptions relate only to such matters as those connected with the Royal Family, the Military and the Devaswoma. The two Houses of Legislature will have the fullest opportunity to initiate and pass legislation on any subject over which they have jurisdiction. They have also the fullest control over finance in so far as the Budget will have to be introduced and passed by the two Houses of Legislature. Even Government Bills and Demands for grants on behalf of Government will be placed before the Legislature through the elected members. No official will have any vote in either House though he may appear to elucidate and explain particular points under discussion. As at present envisaged there will be no nominations at all to either House of the Legislature. The Presidents of the two Houses will be elected by the Houses themselves and ample provisions are made for safeguarding the privileges of the Houses and the members. There will be absolute freedom of speech inside the Legislature. ✓

This Legislature will control the Executive Government of the State in all Departments of Government. This will be done through Executive Committees of the Legislature. Each Executive Committee will consist of three members, two elected by the Assembly and one by the Council.

The three members so elected will elect their own Chairman and these Committees will have control and jurisdiction on Finance, Commerce, Industries, Development, Agriculture, Forests, Public Works, Education, Public Health, Local Self-Government, Law and Order and a number of other miscellaneous subjects. The only Government Departments that are kept outside the purview of these Committees are the Military and the Devaswom. These Committees will have control over the policy and measures of the Departments concerned and the Government will be bound to carry out the measures and policies laid down by the Committees. The Committees will not have any power over the day to day administration of the Departments or the appointments, promotions and transfers of the major officers in these Departments. Even this latter will be governed by rules to be framed for the purpose. All the Government servants are bound to carry out the instructions issued by these Committees. It is expected therefore that the fullest control will thus be exercised over the Executive Government by the Legislature. The only safeguard that is provided for ensuring continuity of policy and to keep up the efficiency of the administrative machinery is in the provision that the Dewan who is the Executive

Head of the Government shall be appointed by His Highness at His Highness' pleasure and that he shall not be removable on an adverse vote by the Legislature. The Dewan is also invested with a very minimum power to veto the proposals of the Legislature and the Executive Committees if in the larger interests of the State he feels it necessary to do so and the exercise of this power will have to be made on reasons to be stated in writing. In the nature of things, the right of veto and certification given to the Dewan can only be exercised on extraordinary and special occasions.

The Judiciary is given power to interpret the provisions of the new Statute and also to decide on the validity of the laws and decisions made or passed by the Legislature. It is expected that this safeguard will be felt to be in the interests of the Legislature itself, and that it will be a wholesome corrective when public passion or excitement attempts to override the clear provisions of the statute.

Lastly the scheme reserves to His Highness residuary power, both executive and legislative, which it is expected, will not be exercised normally, but only in times of grave emergency when public peace and tranquillity have to be maintained.

PRESS COMMUNIQUE

1. The following communiqué outlining the objectives and the main details of the projected new Constitution for Travancore is published for the information of and the expression of views by the public. Government, in pursuance of their undertaking, will also consult representatives of public opinion, and all the views expressed as aforesaid will be taken into consideration before the new constitution is promulgated in the form of a Statute by Proclamation.

2. Government have under consideration the question of the reservation of seats in Joint electorates for those minority communities that are legitimately entitled to representation in the Legislature and that

can be proved otherwise to be unable to secure any such representation.

3. Immediately after the Proclamation is issued, a Franchise Committee will be set up for the preparation and revision of the voters' list on the basis of adult suffrage. This Committee will also deal with the formation of constituencies and will make proposals with a view to giving adequate representation to minorities and other interests requiring special consideration in the matter of representation.

4. This Committee will also make proposals in respect of special constituencies for the Second Chamber. Tribunals will also be set up to deal with appeals arising

from the preparation of the voters' lists and other similar matters.

5. All written representations on this Communiqué may be addressed to the Administrative Secretary so as to reach him before the 20th of February, 1947.

PART I. LEGISLATURE.

1. There shall be two Houses of the Legislature, namely, the Sri Chitra State Council and the Sri Mulam Assembly.

2. Every person who has attained the age of 25 years and who is not under any disability or incapacity either under law or under the Statute shall be eligible to become a member of the Sri Mulam Assembly.

3. No person may at the same time be a member both of the Assembly and of the Council.

4. Every member of the Legislature, except when he is charged with a criminal offence, shall be privileged from arrest in going to and returning from and while within the precincts of either House and shall not, in respect of any utterance of either House, be amenable to any action or proceeding in any Court other than the House itself.

5. All official reports and publications of the Legislature shall be privileged and the utterance made in either House, wherever published, shall be privileged.

6. Each House shall make its own Rules and Standing Orders with power to attach penalties for their infringement and shall have power to ensure free debate to protect its official documents and private papers of its members and to protect itself and its members against any person or persons interfering in the exercise of their duties.

7. Each House shall elect its own President and Deputy President and shall prescribe their powers, duties, remuneration and terms of office.

8. All matters in each House, save as otherwise provided, shall be determined by a majority of the votes of the members present other than the President or the presiding member who shall have and exercise a casting vote in the case of any equality of votes.

9. The number of members necessary to constitute a meeting of either House for the exercise of its powers shall be determined by its Standing Orders.

10. Each House shall make provision for the salary of its members and may, in addition, provide them with travelling allowance.

11. Each House shall sit at least twice in each year.

12. Every member of each House shall take an oath in the prescribed manner before taking his seat.

13. The duration of the Legislature shall be 4 years, provided however, the Dewan may, for reasons to be stated in writing, dissolve either Chamber earlier or may extend its life, for a maximum period of one year, beyond its normal term.

14. It shall be the duty of the Dewan to appoint a date not more than 6 months after the date of the dissolution of either Chamber for the meeting of its next session.

15. The time and place for the holding of the sessions of the two Houses shall be determined by the Dewan.

16. Either House may be prorogued by the Dewan on a written message to that effect being sent to that House.

17. No act of either House shall be invalid merely by reason of a vacancy in the Chamber.

18. No official shall be elected as a member of either Chamber of the Legislature; and if any non-official accepts office under the Government, his seat shall become vacant.

19. The Dewan shall have the right of addressing either or both the Chambers of the Legislature and of sending messages with respect to any Bill pending or any other matter under the consideration of the Legislature.

20. A Bill may originate in either Chamber. For consideration of Bills, there shall be constituted a Standing Committee consisting of 11 members in the case of the Assembly and 5 in the case of the Council. The members of the Executive Committee dealing with the department which is concerned with the subject-matter of the Bill, shall be ex-officio members of the Standing Committee to which the Bill is referred, in addition.

21. It shall be lawful for either Chamber to co-opt any member who possesses the knowledge or special qualification to the Standing Committee in addition to the above.

22. Government Bills to be introduced in the Legislature shall, in the first instance, be referred to the Executive Committee having jurisdiction over the department which is dealing with the subject-matter.

23. No Bill shall be deemed to have been passed by the Legislature unless it has been agreed to by both the Chambers either without amendments or with such amendments as are agreed to by both.

24. The Legislature shall not be competent to enact any measure or to discuss any matter relating to or affecting :

(1) the Ruling Family of Travancore or any Member thereof or the management of their Household,

(2) the Travancore State Forces including His Highness' Body Guard, or

(3) the Devaswoms or the Hindu Religious Endowments, or

(4) the relations of Government with the British Government, the Government of India, or with foreign Princes or States, or

(5) matters governed by treaties, conventions or agreements made by the Government with the British Government, the Government of India or with foreign Princes or States, or

(6) the provisions of the Reforms Act and the Rules passed under it.

25. The previous sanction of the Dewan is necessary for the introduction of any measure,

(a) which affects the public revenues of the State or which imposes a charge on such revenues, or

(b) which affects the religion or religious rites and usages of any class of the State subjects, or

(c) which repeals or amends any law passed by His Highness directly.

26. The Dewan shall have the power to certify, for reasons to be stated in writing, that any Bill which has been introduced or which is proposed to be introduced in either Chamber of the Legislature or any clause of such Bill or any amendment thereto affects the safety or tranquility of the State or any part thereof, and he shall also have the power to direct that no proceedings shall be taken by the Chamber in relation to such Bill, clause or amendment.

27. Where either Chamber of the Legislature refuses leave to introduce or to pass in a form recommended by the Government, any Bill, the Dewan shall have the power to certify for reasons to be stated in writing, that the passage of the Bill is essential for the safety, tranquility or interests of Travancore or any part thereof, and thereupon the further necessary steps for the passing of the Bill will be taken, and the Bill shall thereupon become law.

28. No Bill shall become law unless His Highness the Maharaja has declared His assent thereto.

29. In case of difference of opinion between the two Houses of Legislature the Dewan or the President of the Council, if so authorised by the Dewan, shall convene a joint sitting and the decision of the majority of the members present and voting at the joint sitting shall be final.

30. Sittings of each House of the Legislature shall be public. In case of special emergency, either House may hold a private sitting with the assent of two thirds of the members present.

31. No proposal for the appropriation of any revenues or moneys for any purpose shall be made except on the previous approval of the Government.

32. The following Heads of Expenditure shall not be submitted to the vote of the Legislature, nor shall they be discussed by the Legislature ;

- (i) Expenditure relating to items removed from the cognisance of the Legislature ;
- (ii) Expenditure which is obligatory under a Statute ;
- (iii) Pensions and gratuities ;
- (iv) Salaries and allowances of officers appointed under Sign Manual or whose appointments are specified in Rules passed under the Act ;
- (v) Interest on Loans and Sinking Fund Charges
- (vi) Contributions made by the State ; and
- (vii) Maramat and Political Expenditure.

33. The proposal of the Government for the appropriation of revenue or moneys shall be submitted to the Legislature in the form of Demand for Grants by the Chairman of the Executive Committee having jurisdiction with respect to the subject-matter of such appropriation.

34. The Assembly may assent or refuse its assent to any Demand or may reduce the amount referred to in any Demand, either by lump sum reduction, or by omission or reduction of any particular item or items of expenditure of which the grant is made.

35. The Secretaries to the Government, Heads of Departments and other Officers authorised by the Dewan may attend and speak in either Chamber and participate in the debate on the Budget but they shall not be entitled to vote at any stage of the proceedings.

36. Where there is disagreement between the two Houses regarding the voting on any Demand, the matter shall be referred to a joint sitting of an equal number

of members elected by each House and the decision of the majority of the members present and voting at such joint sitting shall be deemed to be the decision of the Legislature.

37. The Demands as voted by the two Houses shall be submitted to the Government and if the Dewan declares, for reasons to be stated in writing, that he is satisfied that any Demand which has been refused by either House or by the joint sitting is essential to the discharge of the responsibilities of the Government, the Government may act as if the Demand had been passed by the Legislature.

38. The Dewan shall have power, in cases of emergency, to sanction such expenditure as may, in the opinion of the Government, and for reasons to be stated in writing, be necessary in the interests of the Government or for the carrying on of any department or for the safety or tranquillity of the State or any part thereof.

39. Subject to such restrictions and conditions as to subjects and other matters as may be prescribed by rules under the Statute a member of either House shall have the right,

- (i) to ask questions and supplementary questions ; and
- (ii) to move motions and resolutions.

40. Official resolutions and motions shall be introduced either by the respective Chairman of the Executive Committee concerned or by any other member of such Committee authorised in that behalf by such Committee.

41. A member of the Legislature may resign his office in writing addressed to the Dewan, and on the acceptance of the resignation, his membership shall cease.

42. If any member is absent from the State or is unable to discharge his duties as such member for a period of six consecutive months, Government may declare that his seat has become vacant.

43. The Assembly shall be composed of members who represent the constituencies

determined under the Statute. The number of members shall be fixed from time to time but the total number shall not be fixed at less than one member for each fifteen thousand of the population or at more than one member for each 25,000 of the population; provided that the proportion between the number of members to be elected at any time for each constituency and the population of each constituency as ascertained at the last preceding census shall, as far as possible, be identical throughout the State.

44. The members shall be elected on the basis of universal adult suffrage for men and women without any weightage in favour of any class or community.

45. Every person above the age of 21 years and otherwise entitled to vote shall be qualified to vote for the Assembly.

46. The Sree Chitra State Council shall consist of not less than 55 members, and the members shall be elected on a functional and facultative basis by and from amongst the members of various institutions, occupations and professions, such as Lawyers, Doctors, Engineers, Municipalities, Bankers, Trade and Commerce, University, Village Unions, Village Panchayats, Planters, Jenmies, Journalists, Industrialists, Labour Unions and Labour generally, and Agriculturists, in such manner as may be prescribed.

47. (1) A person shall be disqualified for being elected as a member of either House.—

- (a) if he is not a duly qualified elector; or
- (b) if he is not a subject of the State as defined in the Travancore Naturalisation Act, 1120, or has not been residing in the State for not less than seven years before the date of election; or
- (c) if he is a deaf-mute or a leper; or
- (d) if he is an undischarged insolvent; or
- (e) if being a discharged insolvent, he has not obtained from a Court a certificate that his insolvency was

caused by misfortune without any misconduct on his part; or

- (f) if, having been a Vakil or an Advocate, he has been dismissed or is under suspension from practising as such, by order of any competent Court;
- (g) in the case of the Council, if he has not attained the age of thirty years, and in the case of the Assembly, if he has not attained the age of twenty-five years.

Government can, however, remove a disqualification arising under item (f) mentioned above

(2) A person against whom a conviction by a criminal court of six months' imprisonment or more subsists, or who has been found guilty of an election offence or corruption with regard to an election, or who has failed to lodge within the prescribed period a proper return of election expenses shall also be disqualified to be a member of the Legislature. These disqualifications can, however, be removed by the Government by passing suitable orders in that behalf on the application of the persons concerned.

48. A person who sits or votes as a member of the Legislature when he is not qualified for such membership shall be liable to a penalty of Rs. 500 in respect of each day on which he so sits or votes.

PART II.—EXECUTIVE.

1. The two Houses of the Legislature that will come into being under the new Statute will have jurisdiction over the entire field of Government subject to certain specified exceptions.

2. The control of the Legislature over the policy of Government Departments will be exercised through Executive Committees elected by the Legislature.

3. There will be six such Executive Committees as follows:—

(i) *The Committee on Finance.* This Committee will be charged with the task of scrutinising and finalising the Budget and

examining the audit and appropriation report and will generally advise on matters of finance including income-tax.

(ii) *The Committee on Commerce, Industries and Development including post-war Reconstruction.* This Committee will deal with subjects such as Labour, Factories, Mines, Workmen's compensation, Statistics and similar subjects.

(iii) *The Committee on Agriculture and Forests.* This Committee will deal with Agriculture, Forest, Irrigation, Animal Husbandry, Fisheries, Co-operation, Lands and Survey, Food production and distribution.

(vi) *The Committee on Public Works.* This Committee will deal with Communications, Transport, Shipping and Navigation, Ports, Electricity, Wireless, Railways and Anchal.

(v) *The Committee on Education and Public Health.* This Committee will deal with Education, Public Health, Medicine, Local Self-Government, Village Unions, Archaeology, Museum and Library.

(vi) *The Committee on Courts of Law and Justice.* This Committee will deal with Courts of law and justice, Police, Prisons, Companies, Insurance, Registration, Stamps, Stationery and Printing, and other subjects.

4. These Committees will deal with matters of administrative policy and administrative measures pertaining to the subjects allotted to them. But the Committee shall not have power over the routine administration of as apart from the policy to be followed by the Departments concerned or with appointments, promotions, transfers etc. of the officers in these Departments. These matters will be governed by rules to be framed for the purpose.

5. Each Committee shall consist of three members, two to be elected by the Assembly and one by the Council. The elections to the Executive Committees shall be held at the first meeting of the Legislature and the procedure to be adopted in

respect of such elections shall be governed by rules to be framed for the purpose.

6. The term of the Executive Committees shall be the term of the Legislature that elected the Committees.

7. The Chairman of each Executive Committee shall be elected by the members of the Committee in such manner as may be prescribed.

8. Each Executive Committee shall ordinarily meet at least once in a fortnight and no Committee shall transact business without at least two members being present.

9. It shall be competent for the Committee to invite not more than three other members of the Legislature to take part in the discussions of the Committee on any subject in respect of which the members so invited are, in the opinion of the Committee, specially qualified to offer advice to the Committee.

10. The Government Secretary in charge of the subjects assigned to each of the Executive Committees shall be *ex-officio* Secretary of the Committee and shall act as the convener of its meetings.

11. Government Secretaries, Departmental Heads, and other officers, authorised by the Dewan in that behalf may attend and participate in the deliberations of the Committee, but they shall not be entitled to vote.

12. The Chairman of the Committee and the Dewan, when he considers the step to be essential, shall be competent to convene a special meeting of the Committee.

13. It shall be lawful for the Committee to delegate to the Chairman such routine functions as the Committee may deem fit.

14. A member of the Committee shall vacate his membership on such Committee in case,—

(a) A specific motion of no-confidence carried by not less than two-thirds of the members of the Chamber that elected him is passed against him; or

(b) He fails to attend any meeting of the Committee without reasonable cause for a period of two months or is unable for any reason to attend any meeting of the Committee for a period of three months.

15. No member of any of the Executive Committee shall be eligible for any office of profit under Government for the duration of the normal period of his membership on the Committee. He will be paid allowances to be fixed by the vote of the Legislature.

16. It shall be competent for the Chairman or any member of the Committee authorised by him in that behalf, to initiate legislative measures or to move any resolution or motion relating to any of the subjects falling within the jurisdiction of the Committee.

17. The services of the Law Officers of Government will be at the disposal of the Committee and it shall also be competent for the Committee to invite any Departmental Head, Government Secretary, or other officer to attend its meeting, to furnish such information as may be necessary for elucidating any particular point or for facilitating discussions. The officers shall comply with such requisitions.

18. The Dewan may convene meetings of one or more or all of the Executive Committees and may confer with or address them on the matters within their jurisdiction. He may also do so with a view to co-ordinating their activities and surveying the entire field of State administration.

19. The Dewan shall have power to veto any recommendation of the Executive

Committees for reasons to be stated in writing.

PART III—DEWAN.

1. The Executive administration and machinery of the State shall be under the general and disciplinary control of the Dewan who shall be appointed by His Highness the Maharaja and shall hold office during His Highness' pleasure.

2. The Dewan shall also exercise such powers as are referred to in this Communique.

PART IV—JUDICIARY.

1. Neither House of the Legislature shall be competent to discuss or pass any resolution on any matter pending before any Court in the land.

2. It shall be competent to the High Court to pronounce on the constitutionality of the laws or decisions made or passed by the Legislature:

Provided however that no Court shall have power to revise the rulings on points of order of the Chairman of either House or the orders of the Dewan passed in the exercise of the special powers vested in him under the Statute.

3. It shall be open to the High Court to interpret the provisions of the Statute.

4. A Full Bench of 3 Judges shall hear and decide all matters provided for under Sections 2 and 3.

PART V.—RESIDUARY POWERS OF THE SOVEREIGN

Nothing herein contained shall affect or derogate from the powers of His Highness the Maharaja to enact laws or to take action under His Highness' inherent Sovereign powers.