

UNION OF TRAVANCORE AND COCHIN

TEXT OF COVENANT BETWEEN RULERS

THE States of Travancore and Cochin will form one State with a common Executive, Legislature, and Judiciary as from July 1, 1949, it is officially announced. The present Ruler of Travancore, SRI BALA RAMA VARMA, will be the first RAJPRAMUKH, and will hold office during his life-time.

A special feature of the Covenant, entered into by the Rulers, is the provision for the administration of Devaswoms (maintenance of Temples).

A Union of these two States, according to the Communique, will help to get over the impediments in the economic and social progress of the area. The overwhelming majority of the people are of the same stock, speak the same language, and have common culture and traditions.

The new Union is 9,154 square miles in area with a population of 75 lakhs, and a total revenue of Rs. 13.39 crores.

FOLLOWING is the text of the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State of Travancore and Cochin:—

We, the Rulers of Travancore and Cochin, do hereby, with the concurrence and guarantee of the Government of India, enter into the following Covenant:

Article 1. As from the first day of July, 1949, the State of Travancore and Cochin shall be united in and shall form one State with a

common Executive, Legislature and Judiciary by the name of THE UNITED STATE OF TRAVANCORE AND COCHIN.

Article 2. In the succeeding Articles of this Covenant the first day of July, 1949, is referred to as the appointed day, the States of Travancore and Cochin are referred to as the covenanting States and the State of Travancore and Cochin is referred to as the United State.

Article 3. As from the appointed day, (A) all rights, authority and

jurisdiction, belonging to the Ruler of either of the covenanting States which appertain, or are incidental to, the Government of that State shall vest in the United State; (B) all duties and obligations of the Ruler of either of the covenanting States, pertaining or incidental to the Government of that State, shall devolve on the United State, and shall be discharged by it and (C) all the assets and liabilities of either covenanting State shall be the assets and liabilities of the United State.

OFFICE OF RAJPRAMUKH

Article 4. (1) There shall be a Rajpramukh for the United State.

(2) The present Ruler of Travancore shall be the first Rajpramukh and shall be entitled to hold office during his life-time.

(3) In the event of a permanent vacancy arising in the office of the Rajpramukh by death, resignation or any other reason, such vacancy shall be filled in such manner as the Governor-General of India may prescribe.

(4) Notwithstanding anything contained in this Article if the Rajpramukh is by reason of absence or illness or for any other reasons unable to perform the duties of his office those duties shall until he has resumed them be performed in such a manner as the Governor-General of India may prescribe.

Article 5. To enable the Rajpramukh to discharge conveniently and with dignity the duties of his office, he shall be paid such allowances as may be prescribed by the Governor-General of India from time to time.

Article 6. Subject to the provisions of this Covenant, the Executive authority of the United State shall be exercised by the Rajpramukh either directly or through officers subordinate to him; that nothing in this Article shall prevent any competent Legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Rajpramukh any functions conferred by any existing law on any court Judge or officer or any local or other authority in either of the covenanting States.

COUNCIL OF MINISTERS

Article 7. (1) There shall be a Council of Ministers to aid and advise the Rajpramukh in the exercise of his functions save as provided in Articles 12 and 13.

(2) The Ministers shall be chosen by and shall hold office during the pleasure of the Rajpramukh.

Article 8. (A) The obligation of the covenanting State of Travancore to contribute from its general revenues a sum of Rs. 50 lakhs

every year to the Devaswom Fund as provided for in the Devaswom (Amendment) Proclamation, 1123 M. E. (Malayalam Era), and a sum of Rs. one lakh every year to Sri Pandaravaga referred to in Proviso (A) to sub-section (1) of Section 23 of the Travancore Interim Constitution Act 1123 M. E. shall from the appointed day, be an obligation of the United State and the said amounts shall be payable therefrom and the Rajpramukh shall cause the said amounts to be paid every year to the Travancore Devaswom Board and the Executive Officer (referred to in sub-Clause (B) of this Article respectively.

ADMINISTRATION OF TEMPLES

(b) The administration of the Sri Padmanabhaswamy Temple, the Sri Pandaravaga properties and all other properties and funds of the said temples now vested in trust in the Ruler of the covenanting State of Travancore, and the sum of Rs. One lakh transferred from year to year under the provisions of Clause (A) of this Article, and the sum of five lakhs of rupees contributed from year to year towards the expenditure of this Article shall with effect from the first day of August 1949 be conducted, subject to the control and supervision of the Ruler of Travancore by an Executive Officer appointed by him. There shall be a committee known

by the name of the Sri Padmanabhaswamy Temple Committee composed of three Hindu members to be nominated by the Ruler of Travancore to advise him in the discharge of his functions. Suits by or against the Sree Padmanabhaswamy Temple or in respect of its properties shall be instituted in the name of the said Executive Officer.

(c) Administration of the incorporated and unincorporated Devaswoms and of Hindu religious institutions and endowments, and all their properties and funds as well as the fund constituted under the Devaswom Proclamation 1097 M. E. and the surplus fund constituted under Devaswom (Amendment) Proclamation, 1122 M. E. which are under the management of the Ruler of the covenanting State of Travancore and the sum of Rs. 50 lakhs transferred from year to year under Clause (A) shall with effect from first day of August 1949, vest in a Board known by the name of the Travancore Devaswom Board. An annual contribution of five lakhs of rupees shall be made by the Travancore Devaswom Board from the aforesaid sum of Rs. 50 lakhs towards the expenditure in the Sree Padmanabhaswamy Temple.

COCHIN TEMPLES

(d) The administration of the incorporated Devaswoms and Hindu religious institutions, which are

~~under~~ the management of the Ruler of the covenanting State of Cochin under Section 50 G of the Government of Cochin Act of 1113 M. E. or under the provisions of the Cochin Hindu Religious Institutions Act of 1081 M. E. and all this and of the estates under the management of the Devaswom Department of the covenanting State of Cochin shall with effect from the first day of August 1949, vest in a Board known by the name of the Cochin Devaswom Board provided that the regulation and control of all rituals and ceremonies in the Temple of Sree Poornathrayoosa at Trippunithura and in the Pazayannore Bhagavathy Temple at Pazayannore shall continue to be exercised as hitherto by the Ruler of Cochin.

(e) The Board referred to in sub-Clause (c) of this Article shall consist of Three Hindu members, one of whom shall be nominated by the Ruler of the covenanting State of Travancore, one by the Hindus among the Council of Ministers and one elected by the Hindu members of the Legislative Assembly of the United State.

(f) The Board referred to in sub-Clause (d) on this Article shall consist of three Hindu members, one of whom shall be nominated by the Ruler of the covenanting State of Cochin, one by the Hindus among the Council of Ministers, and one

elected by the Hindu members of the Legislative Assembly of the United State.

(g) Each of the aforesaid Boards shall be a separate body corporate having perpetual succession and a common seal with powers to hold and acquire properties, and shall by its name sue and be sued.

(h) Subject to the provisions of this Article, the constitution, powers and duties of the Boards aforesaid shall be such as may be determined hereafter by law enacted by competent authority,

INSTRUMENT OF ACCESSION

Article 9. The Rajpramukh shall, within a fortnight of the appointed day, execute on behalf of the United State, an Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act, 1935 and in place of the Instrument of Accession of the covenanting States and he shall, by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the United State all the matters mentioned in List I and III of the seventh schedule to the said Act, except the entries in List I relating to any tax or duty provided that nothing in this Article shall be deemed to prevent the Rajpramukh from accepting by a supplementary Instrument any, or

all, of the entries in the said List I relating to any tax or duty as matters with respect to which the Dominion Legislature may make laws for the United State; and in doing so, the Rajpramukh may specify the limitations, if any, subject to which the power of the Dominion Legislature to make laws for the United State in respect of such matters, and the exercise of the Executive authority of the Dominion in the United State are respectively to be subject.

UNITED STATE'S LEGISLATURE

Article 10. (1) There shall be a Legislature for the United State consisting of the Rajpramukh and the Legislative Assembly.

(2) All persons, who immediately before the appointed day, are members of the Representative Body of Travancore, of the Legislative Assembly of Cochin, shall on that day become members of the Legislative Assembly of the United State.

(3) If immediately before the appointed day, any vacancy exists in the membership of the Representative Body of Travancore or the Legislative Assembly of Cochin, it shall be deemed to be a vacancy in the membership of the Legislative Assembly of the United State, and any such vacancy and any vacancy that may occur after the appointed day, shall be filled in the same

manner as it would have been filled, if this Covenant had not been entered into.

(4) The Legislature of the United State shall, subject to the provisions of this Covenant, have full power to make laws for the United State, including provisions as to the Constitution of the United State, within the framework of this Covenant and the Constitution of India.

Article 11: Until a Constitution framed or adopted by the Legislature comes into operation, the Rajpramukh shall have power to make and promulgate ordinances for the peace and good Government of the United State or any part thereof, and an ordinance so made shall for the space of not more than six months from its promulgation, have the like force of law as an Act of the Legislature; but any such ordinance may be controlled or superseded by any such Act.

Article 12. If at any time, before a Constitution framed or adopted by the Legislature comes into operation, the Rajpramukh is satisfied that a situation has arisen, in which the Government of the United States cannot be carried on in accordance with the provisions of this Covenant, he may, with the prior concurrence of the Government of India, by proclamation (A)

declare that his functions shall, to such extent as may be specified in the proclamation, be exercised by him in his discretion;

(B) Assume to himself all or any of the powers vested in, or exercisable by any authority or body within the United State: and any such proclamation may contain such incidental and consequential provisions as may appear to him necessary or desirable for giving effect to the objects of the proclamation, including provisions for suspending, in whole or part, the operation of any provisions of this Covenant, or of other constitutional provisions relating to any authority or body in the United State: provided that nothing in this Article shall authorise the Rajpramukh to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part the operation of any law relating to a High Court.

Article 13. Until a Constitution framed, or adopted by the Legislature comes into operation, the Rajpramukh and the Council of Ministers shall in the exercise of their functions, comply with such directions, if any, as may from time to time be given by the Government of India.

PRIVY PURSE

Article 14; (1) The Ruler of each covenanting State shall be entitled

to receive annually from the revenue of the United State for his privy purse the amounts specified against that covenanting State in the schedule; provided that the sums specified in the schedule in respect of the Ruler of Travancore shall be payable only to the present Ruler and not to his successors, for whom provisions will be made subsequently by the Government of India.

(2) The said amount is intended to cover all the expenses of the Ruler including expenses on residences and ceremonies, and shall neither be increased nor reduced for any reason whatsoever.

(3) The United State shall pay the said amount to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes whether imposed by the Government of the United State or the Government of India.

PRIVATE PROPERTIES

Article 15. (1) The Ruler of each covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (distinct from State properties) belonging to him immediately before the appointed day.

(2) He shall furnish to the Government of India in the Ministry of States before the first day of September 1949, an inventory of

all immovable property, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property it shall be referred to such person as the Government of India may nominate in consultation with the Ruler of Travancore or Cochin as the case may be, and the decision of that person shall be final and binding on the parties concerned.

Article 16. The Ruler of each covenanting State as also the members of his family, shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

SUCCESSION TO GADDI

Article 17: (1) The succession, according to law and custom, to the gaddi of each covenanting State and to the personal rights, privileges, dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of disputed succession in regard to a covenanting State shall be decided by the Rajpramukh after referring it to the High Court of the United State and in accordance with the opinion given by the High Court.

Article 18. No enquiry shall be made nor any action taken by, under the authority of the United State or the Government of India, and no proceedings shall lie in any court, against the Ruler of any covenanting State whether in his personal capacity or otherwise, in respect of anything done or committed to be done by him, or under his authority, during the period of his administration of that covenanting State.

MEMBERS OF PUBLIC SERVICES

Article 19. (A) The United State, hereby, guarantees either the continuance in service of the permanent members of the public services of either covenanting State on conditions which will not be less advantageous than those on which they are serving immediately before the appointed day, or the payment of reasonable compensation or retirement on proportionate pension.

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in either covenanting State to members of the public services (civil and military) of that State, who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to the dependents of deceased members of those services before the appointed day.

Article 20: Except with the previous sanction of the Rajpramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of either covenanting State before the appointed day.

RULER'S JUDICIAL POWER

Article 21: Notwithstanding anything contained in the preceding provisions of this Covenant, the Rulers of Travancore and Cochin shall continue to have, and exercise, their present power of suspension, remission or commutation of death sentences in respect of any person who may have been, or is hereafter, sentenced to death for capital offence committed within the territories of Travancore or Cochin as the case may be.

Article 22: Nothing in this Covenant shall be construed as preventing the Government of the United State from taking over the administration of the whole, or any part, of any area included within a province of India, on such terms and conditions as may be agreed upon by the Government of

the United State and the Government of India.

In confirmation of the above Covenant, we append our signatures, on behalf of ourselves, our heirs and successors.

Trivandrum, 27-5-49.

Sd. *Rama Varma*

Maharaja of Travancore

Thrissur, 29-5-49.

Sd. *Kerala Varma*

Maharaja of Cochin

The Government of India, hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof, Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf, and with the authority, of the Government of India.

Sd. *V. P. Menon*

Adviser to the Government of India, Ministry of States.