

BA Political Science Programme

State & Society in Kerala  
MODULE – III

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Role of Legislature in Social Change

## HISTORY OF LEGISLATIONS

The history of legislations in Kerala begins with the **Rajakeeya Vilambarams** of the Rajas of Travancore and Cochin.

It took the shape of **Regulations** once the Travancore Legislative Council came into being in 1888.

In 1939, the Maharaja announced the usage of the term “Acts”.

The initial Travancore legislations were centered around the welfare of different **communities in Kerala**. Examples are Janmi-Kudiyan Niyamam, Nayar Niyamam, Ezhava Niyamam, Najinaadu Vellala Niyamam, Thiruvithamkur Kshatriya Niyamam etc. Besides there were legislations aimed at economic welfare like The **Chitties Act**.

The 1904 Sri Mulam Popular Assembly and the 1932 Bicameral house were the major leaps in this direction. Further, on October 28, 1932, the promulgation of the Travancore Legislative Reforms Regulation II of 1108 by Sri Chithira Thirunal Maharaja of Travancore heralded another transformation by which bicameral legislature came into being. The legislature was thereby given opportunity to expose the irregularities and misappropriation on the part of the executive.

Several historical enactments were also made during the reign of Sri. Chithira Thirunal, who had authored the Temple Entry Proclamation on the 12th November, 1936, which came to be known as the spiritual Magna Carta of Travancore. Eversince the change of terminology of Regulations to Acts by the Proclamation issued on 18th March, 1939, there has been a flow of several Acts among which the Travancore Village Panchayats Act, The Travancore Insurance Act, The Travancore Child Marriage Restraint Act, the Travancore District Municipalities Act, The Travancore Suppression of Immoral Traffic Act, The Travancore Maternity Benefit Act, The Travancore Primary Education Act, The Travancore Hoarding And Profiteering Prevention Act, The Travancore Local Authorities Loans Act etc. deserve mention. By the Travancore Interim Constitution Act of 24th March, 1948, the Maharaja proclaimed establishment of responsible Government and the creation of a new Assembly, namely the Representative Body of Travancore, which was to function as the Constituent Assembly also. The legislation corresponding to this period, extending upto 1949, which included The International Monetary Fund and Bank Act, The Travancore Minimum Wages Act, The Travancore Industrial Disputes Act, The Travancore Factories Act, The Travancore Opium Smoking Act etc., Village-Panchayath law, Child Marriage Prohibition Act, District Municipalities Act, Immoral Trafficking Prohibition Act, Maternity Benefit Act, Hoarding and Black Marketing Prohibition Act, Minimum Wages Act, Industries Dispute Act, Factories Act, Opium Smoking Act etc.

In the neighbouring **Princely State of Cochin**, the first Legislative Council was inaugurated in April 1925. The Cochin Census Regulation, The Cutchi Memons Regulation, The Cochin Prevention of Food Adulteration Regulation, The Cochin Trade Union Regulation etc were important among the regulations of the initial period. Two Acts, The Cochin Tenancy Act, 1938 and The Cochin Agriculturists Relief Act, were landmarks in the history of land reforms. In 1938, a system of diarchy was introduced in Cochin by the Government of Cochin Act, 1938. On August 14, 1947 the Maharaja of Cochin constituted a full responsible Government Consisting of a Council of Ministers and a Prime Minister as its head. Adult franchise was introduced in 1948 and Legislative Council was termed Legislative assembly. A popular ministry assumed office on September 20, 1948 after the general elections and it remained in office till the integration of Travancore and Cochin on July 1, 1949.

The region of British Malabar, was a district of the Madras Province. It continued to be under the State of Madras after independence. The Malabar District was being represented in the Madras Legislative Assembly and several legislations were made there safeguarding the welfare of the region in general and the various interests in particular. The Malabar Tenancy Act of 1930, with elaborate provisions to confer security of tenure on tenants was perhaps the most significant among them. The Madras Prohibition Act, 1937 was made applicable to Malabar in 1947. Madras Legislative Assembly was significantly represented with 29 members from Malabar in the first general elections to the assembly held in 1951.

On July 1, 1949, with their integration **Travancore and Cochin** ceased to be separate entities. Some of the major legislation from Thiru-Kochi were as follows: Sarkar Bhoomo Pathichu Kodukkal Niyamam, Bhoo Vikasana Niyamam, Co Operative Act, Maternity Benefit Act, Public Health Act etc. A legislative Assembly of the new Travancore- Cochin State came into being with the Maharaja of Travancore as the Head of the State. The legislation by the new representative body was extensive and underlined land reforms and public welfare. Examples are The Travancore- Cochin Government Land Assignment Act, 1950, The Travancore Cochin Land Development Act, 1950, The Travancore -Cochin Temple Entry (Removal of Disabilities) Act, 1950, The Travancore -Cochin Co-operative Societies Act, 1950, The Travancore- Cochin Maternity Benefit Act, 1952, The Travancore -Cochin Public Health Act, 1955, the Kanam Tenancy Act, 1955 etc.

On November 1, 1956 the state of **Kerala** was formed by the integration of Travancore- Cochin and Malabar. Marking the continuation of a glorious tradition of representative bodies and the beginning of the widely represented Legislative Assembly, the first Kerala Legislative Assembly was formed on April 1, 1957. In the years spreading across the period from 1957 to 2006 (First KLA to Eleventh KLA) the Kerala Legislative Assembly has served as a model for progressive and reformative legislation in diverse areas with bearings on social, political, and economic environment. The major fields which have been covered by these legislative outputs include land reforms, labour welfare, Public Service Commission, Education, Resource mobilisation, local bodies, social welfare etc.

Since the formation of the state, there were nearly **900 Acts**.

#### **Land Acts:**

1960: Agricultural Relations Bill

1963: Kerala Bhoo Parishkarana Niyamam. (Put in the 9<sup>th</sup> Schedule)(Limit for the land, Michaela bhoomi distribution, and benefit for tenants).

1971, 1972, 1973, 1974, 1976, 1978, 1979, and 1981: Land Acts.

#### **Education Bills:**

1958: Kerala Education Bill 1958 (direct payment to private school teachers), University Acts, acts about Pre-degree separation.

#### **1970-77:**

The four University acts, 1974: Karshaka thozhilali Act (The magna Carta of agricultural labours) ,1974: Karshaka thozhilali Act (The magna Carta of agricultural labours) , Kerala Sisu niyamam, Kerala State Rural Development Board Niyamam, Acts which prohibited hindu joint family system and bonded labour

#### **Panchayati Raj Acts:**

1960: Panchayath Act, Municipalities Act

1980: Act regarding district administration.

1994: Kerala Panchayati Raj Act, Kerala Municipalities Act: Three Tier Panchayati Raj system was first introduced in Kerala—Formation of Gram-Sabhas in Kerala---Democratisation of local administration in Kerala.--- appointment of a finance commission on the economic development of Panchayathi raj system---a separate state election commission for panchayathi raj institutions

#### **Social Welfare:**

The various acts were regarding: controlling moneylenders, soft loan to agriculture, eye donation, rehabilitation of orphans, control of drugs, banning bonded labor, welfare fund of

lawyers, slum area eradication, juvenile delinquency, control of prices, reclaiming land of adivasis, backward **commission (1993), Vanitha Commission (1995)**, water supply and sewage act, Kerala Industrial Infrastructure Development Act, Banning Ragging in the Colleges.

#### **Financial Resources:**

Surcharges on sales tax and agricultural income tax, plantation tax, entertainment tax, building tax, luxury tax for hotels and restaurants, toll for bridges, tax on vehicles, stamp act. Stoppage of Revenue Board (1997)

#### Miscellaneous:

Co operative acts, high way protection act, Hindu religious and charitable societies acts, Hindu joint family acts, banning of arrack, destruction of public property, civil court acts etc, etc.

#### Conclusion:

The Legislative Assembly is not just a house for legislations. The Legislative Assembly is a place of public debates on popular issues. It is a house of policy decision. It is a house of assessment of the performance of governments. It is the place where the future of the state is being determined. It is the sanctum sanctorum of parliamentary democracy. In the short history of evolution of the modern state and government system in Kerala, the legislatures have played a very decisive during the pre independence era as well as since the formation of the state.

#### SOME STATISTICS

**CONFIDENCE OR NO-CONFIDENCE MOTIONS:** From 1956 to 2005, there were 19 (except in the 1<sup>st</sup>, 5<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> KLAS)

**RESOLUTION FOR REMOVAL OF SPEAKER:** There were 4 resolutions in the 3<sup>rd</sup> 6<sup>th</sup> and 8<sup>th</sup> (2Nos) KLAS.

**ADJOURNMENT MOTIONS DISCUSSED SINCE 1957: 14**

**MOTIONS UNDER RULE 130: 87**

**MOTIONS ADOPTED BY THE HOUSE ON THE BASIS OF DISCUSSION UNDER RULE 130: 39**

**DISCUSSION UNDER RULE 58: 42**

**PETITIONS PRESENTED TO THE HOUSE SINCE 1957: 18**

#### **BILLS PASSED SINCE 1957: 1335 +**

• First Kerala Legislative Assembly	88	<b>(1957 - 59)</b>
• Second Kerala Legislative Assembly	161	<b>(1960 - 64)</b>
• Third Kerala Legislative Assembly	102	<b>(1967 - 1970)</b>
• Fourth Kerala Legislative Assembly	227	<b>(1970 - 77)</b>
• Fifth Kerala Legislative Assembly	87	<b>(1977 - 79)</b>
• Sixth Kerala Legislative Assembly	47	<b>(1980 - 82)</b>
• Seventh Kerala Legislative Assembly	118	<b>(1982 - 87)</b>
• Eighth Kerala Legislative Assembly	129	<b>(1987 - 91)</b>
• Ninth Kerala Legislative Assembly	84	<b>(1991 - 96)</b>
• Tenth Kerala Legislative Assembly	104	<b>(1996 - 2001)</b>
• Eleventh Kerala Legislative Assembly	165	<b>(2001 - 2006) 15 sess</b>
• Twelfth Kerala Legislative Assembly	23-	<b>(2006 - )</b>

**ORDINANCES PROMULGATED SINCE 1957: Every Year.**

**Governors: 17**

**Chief Ministers: 20 change overs.**

**Number of Ministerial Positions: 325**

## **COMMITTEE SYSTEM IN THE LEGISLATURE:**

The Kerala Legislature follows an efficient Committee system. It has the following Committees:-

- 1. Public Accounts**
- 2. Estimates**
- 3. Public Undertakings**
- 4. Business Advisory Committee**
- 5. Committee on Private Member's Bills and Resolutions**
- 6. Committee on Petitions**
- 7. Committee of Privileges and Ethics**
- 8. Committee on Subordinate Legislation**
- 9. Committee on Government Assurances**
- 10. Committee on the Welfare of Scheduled Castes and Scheduled Tribes**
- 11. Committee on the Welfare of Women, Children and Physically Handicapped**
- 12. Committee on Environment**
- 13. Committee on the Welfare of Backward Class Communities**
- 14. Committee on Papers Laid on the Table**
- 15. Rules Committee**
- 16. Library Advisory Committee**
- 17. House Committee**
- 18. Committee on Local Fund Accounts**
- 19. Committee on Official Language**

It has the following Subject Committees:-

- 1. Agriculture and Integrated Rural Development**
- 2. Land Revenue, Forests and Fisheries**
- 3. Irrigation and Power**
- 4. Industry and Minerals**
- 5. Public Works, Transport & Communications**
- 6. Social Services**
- 7. Food, Housing and Labour**
- 8. Economic Affairs**
- 9. Local Administration and Co-operation**
- 10. Home Affairs**