

# Marshal Nesamony As A Member Of Madras State Legislative Assembly

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## ABSTRACT

Marshal A.Nesamony being a great educationist, lawyer, orator and people's leader, strived hard to uplift the less privileged and downtrodden masses of the Tamil speaking regions in Travancore Cochin State. Over and above that, he was a humanitarian who raised to the occasions when people suffered due to political harassments, social oppressions, natural calamities like epidemics etc. In order to resolve the issues faced by the majority of the people in his region, he took part interestly in the movement named Travancore Tamilnadu Congress which was subsequently converted to a political party. He served as an active politician for 26 years out of which 15 years of service was as Member of Legislative Assemblies. This article elaborates his valuable services during his membership in Madras Legislative Assembly.

**Key words:** less privileged, uplift, services etc.

## Introduction

Marshal A. Nesamony who had identified himself in educational, legal and social services, decided to serve the people through the political service also. He took a stand and chose the field so that the services could be done with authority, purity and straight forwardness. Nesamony initiated the ideas and activities with equality as target which is against discrimination based on caste, creed, religion and so on. He began the services giving importance to social toleration, patriotism and language affinity as principles. His ambition was to organize the people and oppose the cruelty of the then government. Generally a movement or organization will have two types of opposing factors. One is internal enmity and the other external enmity. External opposing factors could be faced and contested based on principles but the internal ones are more dangerous than external. It may sometimes grow and explode the movement. Nesamony faced both the factors but solved all the challenges meticulously and wisely. Thus he could run the movement successfully. History shows that Nesamony excelled in leadership qualities and was the appropriate leader of Travancore Tamil Nadu Congress.

## Madras State Legislative Assembly

Madras Presidency was the first province in India to have a legislature. In 1861, a legislative council was formed in Madras as a non-representative advisory body. Under the Minto-Morley reforms, the Indian Councils Act-1909 was enacted and it paved way for indirect election of members to the Council. The Government of India Act-1919 enabled introduction of diarchy and direct elections. This was introduced by Montague – Chemsford Reforms of 1919. In 1921, as per the Government of India Act 1919, the Madras Legislative Council was formed. It consisted of 132 Members of which 34 were nominated by the Governor and the rest were elected. The term of the Council was three years. The diarchy was abolished and a bicameral legislature was established in Madras Province as per the Government of India Act-1935. The Governor and two legislative bodies namely Legislative Council, the Upper House and Legislative Council, the Lower House formed the legislature. The Madras Presidency became Madras State on 26<sup>th</sup> January, 1950 with the effect of the Indian Constitution. In 1952, the first election to the legislative assembly was held with adult franchise and universal suffrage and the first Assembly was constituted. The undivided Madras State had 309 constituencies, of which 66 were two member constituencies out of which 62 were reserved for Scheduled Caste and 4 for Scheduled Tribe candidates, the total members being 375. The united Andhra State had 143 members, Malabar 29, South Canara 11 and 190 members belonged to the later Madras State (without the transferred regions).

In 1953, Andhra State was separated and Bellary district was merged with Mysore State. Malabar district was merged with the Kerala State and four and a half out of nine Tamil speaking taluks of Kerala State were merged with Madras State on 1<sup>st</sup> November, 1956 when the States Reorganisation Act came into effect. Now the strength of the assembly became 205 and the 1957 election for Madras State was conducted for 205 seats. As per the Alteration of Boundaries Act-1959, one constituency from Andhra Pradesh was added to Madras State. Two Member Constituencies Abolition Act came into effect in 1961 and hence the double member representation was abolished. But an equal number of single member constituencies (38 nos.) were created out of which 37 reserved for Scheduled Caste and one for Scheduled Tribe candidates. The total number of constituencies remained as 206. The 1962 elections of Madras State was conducted for 206 seats.

As per the Delimitation of Parliamentary and Assembly Constituencies Order – 1965, the number of Assembly constituencies was increased to 234. One nominated member from Anglo-Indian community also continued as from 1952 elections. Thus the total strength of the assembly was 235.

In 1969, the name of Madras State was changed to Tamilnadu and subsequently the Madras State Legislative Assembly became Tamilnadu Legislative Assembly and the Council became Tamilnadu Legislative Council. By the enactment of the Tamilnadu Legislative Council (Abolition) Act-1986 in the Parliament, the Legislative Council was abolished in 1986. The Tamilnadu legislature has thus become unicameral and remains as such till date.

### **Marshal Nesamony in Madras State Assembly**

After the separation of four taluks namely Agastheeswaram, Thovalai, Kalkulam and Vilavancode, christened as Kanyakumari district and merger with Madras State, the Travancore Tamilnadu Congress (TTNC) convened a meeting on 26<sup>th</sup> January 1957 at the Allen Memorial Hall, Nagercoil under the chairmanship of Marshal Nesamony. In the meeting it was resolved that TTNC should be merged with the Tamilnadu wing of Indian National Congress (INC) in view of the welfare of Kanyakumari district. Accordingly, TTNC was united with INC. The second legislative assembly election to the Madras state was held on 31<sup>st</sup> March 1957. This was the first election held after the linguistic reorganisation of Madras State in 1956. Marshal Nesamony who served as the first Member of Parliament of Nagercoil constituency up to 1957 was elected unopposed from the Killiyur Assembly constituency of Madras State.

### **Role of Marshal Nesamony as MLA**

As the member of Killiyur Assembly constituency in Kanyakumari district, Marshal Nesamony took charge in the Madras State assembly in 1957. He strived hard to accomplish many tasks not only for the welfare of Kanyakumari district but also for the whole TamilNadu. His demands and arguments during the debates in the Assembly are noteworthy. Being an eminent lawyer and spokesman he put forth his views in a logical, authentic and systematic manner. This can be easily understood from the Madras Legislative Assembly debates from 1957 to 1962. The contributions of Marshal Nesamony not only as a Member of Madras State Assembly but also as a representative of Sri Moolam Assembly and Indian Parliament are enormous. His activities in Madras State Assembly, as per the few evidences available are mentioned below.

### **Taxation on Food Grains**

During the first session of the second legislative assembly, a hearty welcome was extended by the House to the members from Kanyakumari district and Senkottai taluk. Marshal Nesamony, after a brief thanks giving for the welcome, immediately exposed the nature of the drought hit Kanyakumari district to the House and raised his concern about the sales tax levied on food grains throughout Madras State. On The Madras General Sales Tax, Sales on Motor Spirit Taxation and Entertainment Tax (Amendment) Bill, 1957, he made a long and elaborate lecture on that subject. When Kanyakumari district was with Travancore-Cochin State, it did not face that kind of tax. Though sales tax was levied on commodities, food grains were exempted from that. But as soon as Kanyakumari district and Senkottai taluk were annexed with Madras State, it is a shock to experience this taxation. So he wanted that the government revise their decision and exempt food grains from sales tax so far as the Kanyakumari district is concerned. Though he was a member of the ruling party, he used his freedom of expression and reiterated the demand with the Finance Minister. Subsequently the taxation was withdrawn by the government.

### **Reform of Local Administration**

On the Government motion for White Paper on the Reform of Local Administration in the Madras State including the Madras City Corporation, Marshal Nesamony found a lot of terms and points of misunderstanding. He pointed out in detail the things to be corrected using his command over English language and vivid expressions. Also on the madras Village Panchayats (Amendment) Bill (LA Bill No.16 of 1957) he expressed the legality of the select Committee for consideration of the Bill.

### **Transferred Territories Bill Anomalies**

When the Madras (Transferred Territory) Re-enactment Bill-1957 came for discussion in the Assembly, Marshal Nesamony gave a detailed description about it and demanded necessary correction and deletion. Some acts (Act IX of 1956) were passed in the Travancore – Cochin State by the President of India when it was under

the Adviser's rule in 1956. They were 1) the Municipal (Amendment) Act. Section 2 of this Act dealt with the amendment of the Trivandrum City Municipal Act. Section 4 of that act related to Cochin Municipality. But the Act related with Kanyakumari district and Senkottai taluk though Trivandrum and Cochin were not within the transferred territory after integration. 2) Section 15 of the Travancore – Cochin Lime Shells (Control) Act-1956 spoke of exempting persons collecting lime shells during the months of November and December in the rocky parts of Kanyakumari coast. The lime shells were collected for edible purpose i.e., as an ingredient in chewing material and as a preservative in palmyra juice tapping. The Act was specially enacted to conserve the raw materials for the Travancore Cements on the bed of the Vembanad. Hence this Act should not have been extended to Kanyakumari district after integration. 3) In the northern portions of Travancore – Cochin there had been a number of lift irrigation schemes. The rent charged per Acre as CESS was between R. 30 to Rs.40. Since the people wanted a relief a flat rate of Rs.10 was levied to the whole state. This should not be applicable to Kanyakumari district after integration.

### **Irrigation**

These acts came into force just a few days before integration in Trivandrum and Cochin State and were not properly promulgated. After integration with Madras State these acts should not have been made applicable to the transferred territories. In addition to these, Marshal Nesamony also suggested lot of things to be corrected in the bill. The concerned minister Mr.C.subramoniam assured Marshal Nesamony that everything would be scrutinized. In addition to the above he insisted the Minister to push through the proposed Valiathura Lift Irrigation Scheme for which land had been surrendered and agreement for levying cess was also there.

### **Exemption in Prohibition**

Regarding the Extension of Madras Acts VIII of 1923, X of 1937 and XXXII of 1950, he demanded that the Acts shall be amended accordingly for Kanyakumari district and Senkottai taluk as follows. "The Madras Prohibition Act, 1937 (Madras Act X of 1937), as amended by sub-section (4) is hereby extended to, and shall be in force in, the transferred territory; and sections 4 to 8 shall be in force in, the transferred territory; and sections 4 to 8 shall apply in relation to that Act as if it had been included in the Schedule. "The Act aforesaid shall be amended as follows; that is to say, after section 19, the following section shall be inserted, namely, '19-A. Exemption regarding tapping of palmyra trees for sweet toddy, etc., in certain areas.-Notwithstanding anything contained in any other provisions of this Act, the tapping of palmyra trees for sweet toddy, the possession, transport and sale of such toddy and the manufacture there from of jaggery or other non-intoxicating product in the Kanyakumari district and the Sencottah taluk of the Tirunelveli district shall be exempt from the operation of all the provisions of this Act."

### **Budget Demands**

During the Budget Session of 1958-59, voting on demands for grant for the budget year for Capital Outlay on Irrigation he supported the demand and thanked the Government for allotting a fair share out of the demand to the Kanyakumari district. In addition, he elaborated the various issues in the rivers and their tributaries in Kanyakumari district and the Valiathura Lift Irrigation Scheme. Also he insisted that a solution to the areas occupied by Kerala State which should have come to us could be found immediately. Subsequently on the great efforts of Marshal Nesamony, the Neyyaru second stage irrigation scheme was inaugurated in July, 1958 by Mr. K.Kamaraj, the Chief Minister of Madras.

While general discussions were carried out on the Budget for the year 1959-60, Marshal Nesamony expressed his dissatisfaction on the disparity of salary to the government employees of Kanyakumari district compared to the other parts of the state. His representation was long and detailed. Also he stated that the Chittaru-Pattanankal scheme which had been talked about for a very long period had not been allotted any fund in that budget and demanded it to be materialized immediately for the benefit of the people in the nearby areas. The Chittaru-Pattanankal water resource scheme was started when Mr. Baktavatsalam was the Chief Minister. The Mathur aqueduct scheme was also started in 1962 and completed in 1966. Both are due to the efforts of Marshal Nesamony.

### **HR&CE Bill**

In the debate about the Madras Hindu Religious and Charitable Endowments Bill – 1959, he described the legality and discrepancies in the Kanyakumari Devasvam Board, its lands and properties and demanded reforms so that the rights and liberties of people had to be protected. He explained about the appointment of officials, Advisory and Area Committees in the Devaswom Board and its institutions and demanded that the recruitment should be through Public Service Commission and the committees should be constituted on the basis of election conducted by judicial officers appointed by Service Commission.

### **Land Reforms**

The Madras Land Reforms (Fixation of Ceiling on Land) Bill was enacted in 1960. During the debates Marshal Nesamony explained the shortcomings in the bill. He stated that the bill affected the transferred territory and also the exemptions contemplated in favour of religious institutions. He mentioned various types of lands namely Sri Pandaravagai lands, Kandukrishi Pattom Lands, Thanathu Lands etc, in the transferred territory

and demanded the enfranchisement of the lands. He also stated that legislation in that regard was long overdue and requested either in that bill or in a separate bill provision had to be made for the enfranchisement of those lands before the Ryotwari settlement of every land in the transferred territory. In the beginning, he mentioned that whatever the MLAs who represented the transferred territory did, they did in the interests of the people who elected them to that house. They had nothing personal to gain by advocating the cause of any individual and they were only interested in the welfare of the people who had selected them to serve the people.

Again after amending the bill by The Joint Select Committee and during the debate in the Assembly in August, 1961, he referred to the deficiency in three clauses of the bill with reference to the transferred territory. They were regarding resurvey of lands, resettlement of the Ryotwari lands and the third one relating to the appointment of Settlement Officers. His statement was elaborate and noteworthy.

The Holdings (Stay of Execution Proceedings) Act-1950 (Travancore-Cochin Act VIII of 1950) was in force in the Kanyakumari district and Sencottah taluk at the time of their transfer to Madras State. It was due to expire on the 24<sup>th</sup> September, 1961. Pending a decision on the policy to be adopted with regard to the land tenure systems prevalent to that region, it had been decided by the government to extend the life of the Act by two years from the 25<sup>th</sup> September, 1961. During the debate on The Holdings (Stay of Execution Proceedings) Madras (Amendment) Bill, No.24 of 1961, he brought to the notice of the Government that a comprehensive legislation on that subject of eviction of tenants either from registered holdings or other holdings might be brought as early as possible to put an end to the anomaly of the holding stay of execution proceedings in that area. The question of the consideration of the incidents of several evictions that was prevalent in that area were taken by the government. Legislation was long overdue on those matters and especially in the case of Kandi krishi lands and Sri Pandaravagai lands owned by Sri Padmanabaswami temple and dues of Thiruppuwaram and Moniamkaram. And all those things should have been taken into consideration and a comprehensive legislation ought to have been introduced in view of the stay of execution proceedings. This was the demand in brief of Marshal Nesamony so that the government would bring in a comprehensive legislation and the government might settle first the question of stay of execution proceedings.

### **Demands for Grant**

During the General Discussions on the Demands for Grants for Further Expenditure for the year 1961-62, Marshal Nesamony placed before the House certain problems which were peculiar to Kanyakumari district and those problems still remained unsolved. He brought to the notice of the Government that the integration of the services which had been affected especially in the Education Department had not been solved for the past many years and no solution had been found to solve the problem. He, therefore, requested the Government to take early steps to solve all these problems that are facing the teachers in that area.

First, their problem of Tamil Higher or vernacular Malayalam higher trained teachers to be equated with that of S.S.L.C. trained teachers. Arguments had been advanced, evidences had been produced and representations had been made to show that in the erstwhile Travancore-Cochin State the two sets of teachers had been treated on par. He wished that government should peruse the documents that had been submitted for information and pass orders as early as possible.

### **Panchayat Improvements**

The Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special provisions for First Constitution) Amendment Bill-1961 came for debate on 31<sup>st</sup> August, 1961. Marshal Nesamony welcomed the bill and appreciated it but also suggested improvements on the bill. He also narrated the condition of Panchayat school buildings and requested the government to find ways and means to help Panchayat Unions to reconstruct useful buildings. He mentioned about the 108 school buildings leased to the government by the London Missionary Society and demanded the government to look into each and every school and suggest improvements for rebuilding the school or for reconstructing a school closeby. The Minister in Charge of Finance, Education, Information and Law, Mr.C.Subramaniam appreciated the detailed explanation and information of Marshal Nesamony and recommended to pass the bill. The motion was put and carried and the Bill was passed.

### **Public Trusts**

An announcement was made in the Madras Legislative Assembly on The Madras Public Trusts (Regulation of Administration of Agricultural Lands) Bill – 1961, on 9<sup>th</sup> November, 1961. Marshal Nesamony being a legal expert and statesman, he made a few comments upon certain clauses of the Bill so that the Select Committee might reconsider the clauses contained in that Bill. He pointed out the deficiencies in the contract agreements, collection of rent, form of rent either cash or kind, reduction of rent during adverse seasonal conditions by public trusts from tenants doing cultivation etc. He demanded the Select Committee to consider those things in the various clauses of the Bill.

### **Conclusion**

The achievements and contributions of Marshal Nesamony are unexplainable. His speeches and deeds were for the upliftment of society then and future. The purity of his mind motivated him to serve the society selflessly

and tirelessly. He renounced the huge income and prosperity came to him by his legal profession and chose the political life. The effects of his patriotic services will never be in vain and will be in the minds of the people. Even now people salute him for the selfless efforts taken by him.

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