

PROCEEDINGS

OF THE

Council of the Governor of Fort St. George

ASSEMBLED

FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS

FOR THE YEAR

1904,

WITH INDEX.

VOL. XXXII.

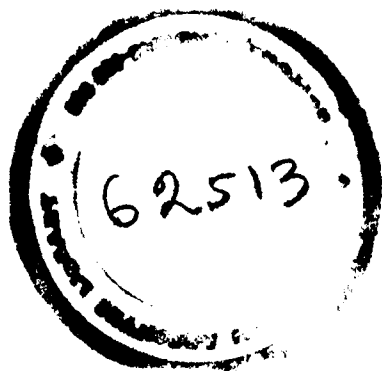
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Proceedings of a Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Vic., cap. 67, and 55 and 56 Vic., cap. 14.

The Council met at the Council Chamber, Fort St. George, at noon on Tuesday the 19th day of January 1904.

PRESENT:

His Excellency Baron AMPHILL, G.C.I.E., Governor of Madras—*Presiding*.
The Hon'ble Mr. G. STOKES, C.S.I.
The Hon'ble Mr. G. S. FORBES.
The Hon'ble Mr. G. L. ACWORTH.
The Hon'ble Mr. J. E. P. WALLIS.
The Hon'ble the MAHARAJA OF BOBBILI, K.C.I.E.
The Hon'ble L. A. GOVINDARAGHAYA AIYAR Avargal.
The Hon'ble C. SANKARAN NAYAR Avargal.
The Hon'ble K. VASUDEVA AIYANGAR Avargal.
The Hon'ble Mr. M. HAMMICK, C.I.E.
The Hon'ble Mr. C. J. WEIR.
The Hon'ble Mr. H. A. SIM, C.I.E.
The Hon'ble R. N. PRAKASA MUDALIYAR Avargal.
The Hon'ble Mr. A. E. CASTLESTUART STUART.
The Hon'ble Mr. J. TWIGG.
The Hon'ble R. V. SRINIVASA AIYAR Avargal, Diwan Bahadur.
The Hon'ble Mr. J. N. ATKINSON.
The Hon'ble Dr. A. G. BOURNE.
The Hon'ble G. SRINIVASA RAO Avargal.
The Hon'ble M. KRISHNAN NAYAR Avargal.
The Hon'ble K. VENKATA RAO Garu.
The Hon'ble Sir G. G. ARBUTHNOT, Kt.

ADDITIONAL MEMBERS.

12 noon. The Secretary reported that the following gentlemen had taken their seats as additional members of Council:—

The Hon'ble K. VENKATA RAO Garu.
The Hon'ble Sir GEORGE GOUGH ARBUTHNOT, Kt.

QUESTIONS AND ANSWERS.

His Excellency the PRESIDENT:—Honourable Members will now put the questions that stand in their names.

The Hon'ble L. A. GOVINDARAGHAYA AIYAR Avargal:—

I. Will the Government be pleased to state whether the rent law is to be amended, and, if so, when the Bill to amend it is to be introduced?

The Hon'ble Mr. Atkinson:—

I. Legislation on the subject of the rent law in this Presidency is under discussion and the Government are at present unable to make any statement in regard to the matter.

The Hon'ble L. A. GOVINDARAGHAYA AIYAR Avargal:—

II. Will the Government be pleased to state whether the system of establishing model primary schools has been abandoned, and, if so, why?

The Hon'ble Mr. Hammick:—

II. The primary department of the practising school of the Teachers' College, Saidapet, is a model primary school, and it is proposed to provide for that school a Female Superintendent trained in the latest Kindergarten methods. The establishment of model primary schools in other places is being considered.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR Avargal :—

III. (a) Are the Government aware that the late Chairman of the Municipality of Bezwada is dead?

(b) Now that a vacancy has arisen will the Government be pleased to extend to that Municipality the privilege of electing its own Chairman?

The Hon'ble Mr. Hammick :—

III. (a) The Government have not as yet received any intimation on the subject.

(b) The Government are not prepared at present to adopt the Honourable Member's suggestion.

The Hon'ble M. KRISHNAN NAYAR Avargal :—

IV. Has the attention of the Government been called to an article under the heading of "A complaint against the South Indian Railway" by C. V. Visvanatha Sastri published in the *Madras Mail* of the 8th January 1901, with reference to the treatment given to third-class passengers?

The Hon'ble Mr. Hammick :—

IV. The attention of the Government has now been called to the article in question.

The Hon'ble M. KRISHNAN NAYAR Avargal :—

V. Will the Government be pleased to take steps to prevent the occurrence of such treatment in future?

The Hon'ble Mr. Hammick :—

V. It would be better that complaints about details of railway management should be addressed to the Traffic Manager of the railway rather than to Government.

On the occasion referred to, the line had been breached in several places and traffic could only be carried on with great difficulty by using any sort of vehicle that happened to be available. It must be remembered that travellers all the world over have occasionally to submit to inconvenience and to departure from the ordinary conditions of travelling when unavoidable accidents occur. The Government do and will take steps to prevent over-crowding and the use of goods wagons for passengers under ordinary circumstances, but in times of serious emergency traffic can only be carried on at all by the employment of any means that may be practicable.

The Hon'ble M. KRISHNAN NAYAR Avargal :—

VI. Is it the case that by reason of a provision in the Civil Rules of Practice revised by the High Court in 1902 which makes it imperative that certificates of encumbrance from registration offices should be produced whenever applications are made to civil courts for the sale of immovable property, the number of applications for searches in the registration offices has considerably increased?

The Hon'ble Mr. Hammick :—

VI. The answer is in the affirmative.

The Hon'ble M. KRISHNAN NAYAR Avargal :—

VII. Is it also the case that Registrars and Sub-Registrars with the number of clerks at present existing in their offices often find it difficult to do their ordinary work connected with the registration of documents and deliver the encumbrance certificates to the applicants in time, and that consequently delay and inconvenience are often caused to litigants in civil courts?

The Hon'ble Mr. Hammick :—

VII. The Government understand that the work has increased and that additional establishments will be required.

The Hon'ble M. KRISHNAN NAYAR Avargal :—

VIII. With a view to prevent delay and inconvenience and having regard to the fact that the total receipts of the Registration department exceed the total expenditure by more than four lakhs of rupees a year, will the Government be pleased to entertain additional hands in registration offices in the Presidency?

The Hon'ble Mr. Hammick :—

VIII. The question of strengthening the establishments is under consideration.

The Hon'ble M. KRISHNAN NAYAR Avargal :—

IX. Will the Government be pleased to state by what percentage the existing land assessment in the South Canara district is enhanced under the present settlement in that district?

The Hon'ble Mr. Atkinson :—

IX. The Honourable Member is referred to G.O., No. 757, Revenue, dated 25th August 1902, which has been placed on the Editors' table.

According to the scheme sanctioned for the four taluqs of Kasaragód, Mangalore, Udipi and Coondapoor it was estimated that there would be an increase of revenue from Rs. 12,32,579 to Rs. 20,60,517 or by 67 per cent.

In Uppinangadi taluq it is calculated that there will be an increase of revenue from Rs. 1,65,955 to Rs. 2,95,205 or by 78 per cent. which would raise the total increase for the whole district to 68½ per cent., but no scheme has yet been sanctioned for this taluq.

The above figures give only estimated results : actuals will not be known till the settlement has been completely introduced.

The Hon'ble G. SRINIVASA RAO Avargal :—

X. (a) Will the Government be so good as to state whether the report promised in reply to question No. VI at the meeting of the Council held on the 2nd of June 1902 has been called for and if it has been received to lay it on the table?

(b) Will they be pleased to state whether any notice has been taken of the public servants referred to therein and if so what action has been taken?

The Hon'ble Mr. Hammick :—

X. A report has been received but it cannot be placed on the table. The number of adjournments in the case was fourteen, of which the Magistrate in question was responsible for nine. He was reverted for unsatisfactory work in connection with this case and other matters.

The Hon'ble G. SRINIVASA RAO Avargal :—

XI. Will the Government be pleased to state whether the reports promised in reply to questions Nos. XXXII and XXXV put at the meeting of the Council, dated 15th December 1902, have been called for and if they have been received to lay them on the table?

The Hon'ble Mr. Hammick :—

XI. The reports promised were called for and have been received but they cannot be laid on the table.

The following is the answer to question No. XXXII :—

(a) It is a fact that the Police of Solavandan station in the district of Madura charged nine Pallas of Mannadimangalam village in Madura taluq with the murder of a schoolmaster.

(b) One of the Pallas made a confessional statement. The Police officers alleged to have forced him to make it were charged before the Assistant Magistrate, Madura, but were discharged as the Magistrate found that the case was false and concocted.

(c) It is not true that flesh and bones were produced by the Police as belonging to the body of the deceased, but in the search for the murdered man portions of a corpse were found and were examined by a Medical officer to ascertain whether they could be the body of the supposed deceased. It was decided from the length of the hair that they could not.

(d) It is true that, while the preliminary enquiry was going on before the Magistrate, the schoolmaster alleged to have been murdered appeared before the Magistrate from Negapatam, and that the Pallas were in consequence discharged.

QUESTIONS AND ANSWERS.

The answer to question No. XXXV is as follows:—

- | | |
|---------------------------|----------|
| | Rs. |
| (a) Demand for fasli 1311 | 3,92,567 |
| Collection | 3,83,578 |
- (b) There was an excess collection during the fasli, of Rs. 10,670. The reasons for the excess were—
- that the collections were made on the rough pattas;
 - that tenants in some cases made voluntary payments for lands in their possession before the result of collections in other taluqs from absentee landlords was known to the adhigaris who received such payments.
- (c) The excess collections were due only in part to their having been made on the rough pattas, as already explained.
- (d) It is presumed that excess collections have by now either been refunded or credited to the parties concerned.
- (e) There were 322 distraints of movable property in fasli 1311.
- (f) The amount realized as fees was Rs. 108-2-3.
- (g) There were no cases of simultaneous process against pattadar and occupant.

The Hon'ble G. SRINIVASA RAO Avargal:—

XII. (a) Is it a fact that 63 tanks which were supplying the town of Trichinopoly with good drinking-water have, since the introduction of the water project, been neglected and have become reservoirs of accumulated filth?

(b) Is it also true that the feeding channels to some of the tanks have been converted into sewage tunnels?

(c) Was the recent prevalence of severe cholera in Trichinopoly the result of such tanks being used by the public, the pipe service having suddenly failed?

(d) If so, will the Government be pleased to issue orders for the permanent maintenance of all tanks, or of as many of them as may be found possible in a good and sanitary condition, free from the contamination of sewage or drainage filth?

The Hon'ble Mr. Hammick:—

XII. The Government have no definite information on the subject of the Honourable Member's question. The District Municipalities Act places all public tanks under the control of the Municipal Council, and empowers the Council to take action also in regard to private tanks. It appears that the Municipality maintains an establishment of 25 watchmen for the conservancy and protection of such tanks. It is the fact that last November, in consequence of the floods in the Cauvery, the service pipe of the town supply gave way: and the question of the measures to be taken to prevent the recurrence of such accidents is now under the consideration of the Public Works department. It is hoped that the water-supply will be made secure before next flood season.

The Hon'ble G. SRINIVASA RAO Avargal:—

XIII. (a) Is it the case that Periyar water was not available for agricultural operations in some parts of the district of Madura in localities fed solely by the channel until the 28th June 1903 and again for about ten days in November 1903, and that water was actually supplied only for less than eight months?

(b) Will the Government be pleased to order that double-crop assessment be not levied wherever the second crop was not raised for want of water?

The Hon'ble Mr. Atkinson:—

XIII. (a) The answer to the first part of the question is in the negative.

(b) The Government are not prepared to issue such an order as the Honourable Member asks for. If there has been any failure of supply remissions will be given under the ordinary rules.

QUESTIONS AND ANSWERS.

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The Hon'ble G. SRINIVASA RAO Avargal:—

XIV. (a) Have the Government obtained any information regarding the number of the people—men, women and children—who have been rendered homeless by the recent rains and floods in Madras, and have any, and, if so, what, steps been taken to afford suitable relief to them?

(b) Will the Government be pleased to trace out the exact causes for such large submergence of the town under water and take the steps necessary to protect the city against future danger by more effective drainage?

The Hon'ble Mr. Hammick:—

XIV. (a) The Government have received no official information on the subject.

(b) The cause of the recent floods was the very heavy and abnormal rainfall of the 30th and 31st December, which occurred at a time when previous exceptionally heavy rains had already filled all tanks and reservoirs.

The Hon'ble G. SRINIVASA RAO Avargal:—

XV. (a) Are the Government aware that the Johnston of Carnsalloch scholarship has had to be reduced from Rs. 20 to Rs. 10 a month in consequence of the rents of Tamkam bungalow in Madura town being appropriated towards some repairs and large improvements to the building?

(b) Will the Government be pleased to take such measures as will effectively prevent the depreciation of the scholarship from its original value?

The Hon'ble Mr. Hammick:—

XV. The Government have no official information regarding the reduction of the scholarship, the amount of which is determined by the Senate of the University in accordance with the funds available. The Government are bound to act in accordance with the provisions of the trust deed under which the funds available for the scholarship fluctuate. They are, of course, anxious that it should be maintained at as high a value as possible.

The Hon'ble G. SRINIVASA RAO Avargal:—

XVI. (a) Has the attention of the Government been drawn to the paragraph in the *Madras Mail* of the 5th January 1904 regarding the inconveniences to which Mr. Lal Mohan Ghose and his two daughters were put in the dead of night at Kavali station by the reserved first-class carriage in which they travelled being ordered to be detached by Mr. Duncan, the Railway Engineer, and to their being made to vacate the carriage?

(b) Will the Government be pleased to direct a thorough investigation of the matter and prevent the recurrence of such occurrences in future?

The Hon'ble Mr. Hammick:—

XVI. No representation has been made to Government with regard to the incident mentioned by the Honourable Member. The matter as described by the Honourable Member does not appear to concern Government in any way. It seems to be a complaint of the kind which is ordinarily addressed to the railway authorities and not one demanding investigation by Government.

The Hon'ble G. SRINIVASA RAO Avargal:—

XVII. (a) Has the attention of the Government been drawn to the complaint against the South Indian Railway by one C. V. Visvanatha Sastri in the *Madras Mail* of the 8th instant regarding the inconveniences caused to third-class passengers by their being made to travel in the carriages marked "P. 8 mules or 8 horses" without lights?

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(b) Will the Government be pleased to direct the prohibition of carrying human beings in wagons intended for animals?

The Hon'ble Mr. Hammick :—

XVII. (a) The attention of the Government has now been called to the paragraph in question.

(b) The Government recognise that it is ordinarily undesirable to use goods wagons for passengers but also recognise that it is impossible for a railway to keep a sufficient number of carriages to meet very exceptional demands. Rules have therefore been laid down as to the space to be allotted to each passenger when goods wagons are used for passenger traffic as they not unfrequently are in other countries.

On the occasion referred to, the railway had been breached in several places by the recent heavy floods and the traffic could only be carried on at all by using any kind of vehicle that might be available. The alternative lay between using goods wagons or refusing to carry many of the passengers who desired to travel.

The Hon'ble G. SRINIVASA RAO Avargal :—

XVIII. (a) Is it a fact that the Muhammadans of Cuddapah put forward the right that for 12 days during the celebration of the Muharram the other religionists ought not to perform their rites or festivals with music even in their own houses?

(b) Is it also a fact that the District Magistrate of Cuddapah has upheld such a claim of the Muhammadans and has refused to permit the Hindus from celebrating the Sri Rama Navami festival with music in their own houses?

(c) Have the Hindus presented any petition to the Government against the orders of the District Magistrate and will the Government be pleased to pass early orders thereon?

The Hon'ble Mr. Hammick :—

XVIII. The Muhammadans have put forward the claim but the District Magistrate has not yet passed any orders as regards the coming Muharram, and it therefore follows that no petition from the Hindus against such order can have been presented.

The Hon'ble G. SRINIVASA RAO Avargal :—

XIX. (a) Has the attention of the Government been drawn to the settlement grievances of the people of Udipi taluq in South Canara district detailed in an article of the *Hindu*, dated the 6th January 1904?

(b) Is it a fact that the people of Udipi have appealed to the Government against the enhancement of assessment by 67 per cent. which is the highest increase of assessment in the settled districts?

(c) Will the Government be pleased to view the case of the Udipi memorialists favourably and redress their grievances by reducing the new rates as much as may be possible and by not raising the rates beyond those of North Canara?

The Hon'ble Mr. Atkinson :—

XIX. The Government have recently received a memorial from some of the land-holders of the Udipi taluq complaining against the new settlement and orders will be passed on the memorial in due course.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XX. Is it a fact that departmental enquiries were made some two years ago to ascertain the economic condition of the rural population of this Presidency? If so, will the Government be pleased to publish the results of such an enquiry and the conclusions arrived at by the Government as to the improvement or otherwise in the material condition of the agriculturists and the cultivating labourers?

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Atkinson :—

XX. The results of the enquiry to which the Honourable Member refers have already been published. The Honourable Member will find them in the "Statement exhibiting the moral and material progress and condition of India during the year 1901-1902 and the nine preceding years" published by order of the House of Commons at London in 1903.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXI. Will the Government be pleased to establish seed depots in district head-quarters for selling or even distributing gratis in exceptional cases best seeds—indigenous and exotic—among the ryots to suit the requirements of the several districts?

The Hon'ble Mr. Atkinson :—

XXI. The Government are unable to undertake the distribution of seed on so extensive a scale as that proposed by the Honourable Member. Such distribution has, however, already been made in certain instances and will continue to be made where it can be effected with advantage by Government agency.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXII. Will the Government be pleased to organize Village Courts according to the provisions of Act I of 1889 in some suitable localities and make it obligatory on the parties to have small money suits tried by them with a view to lighten the heavy work of the civil courts?

The Hon'ble Mr. Hammick :—

XXII. Village Courts now exist throughout the great part of the Presidency. The Government do not consider it advisable to make it obligatory on persons to file their suits in these courts rather than in the regular courts to which the Code of Civil Procedure is applicable.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXIII. With reference to the reply given to question No. VI put by the Hon'ble M.R.Ry. L. A. Govindaraghava Aiyar at the last meeting of the Council, will the Government be pleased to state whether the damages to the lands in question by the recent floods are due to the following causes:—

(1) The non-repair of the right bank of the Coleroon in the Srirangam Island which was completely destroyed during the floods of 1896?

(2) The non-existence of mud banks to prevent the flow of land floods from the adjoining uplands and that of the surplus water of the drainage channels into the irrigated lands of the Trichinopoly and Kulittalai taluqs?

If so, whether they will issue instructions to remedy these defects before the next cultivation season?

The Hon'ble Mr. Hammick :—

XXIII. The answer is in the negative. Since the floods of 1896, large sums have been spent on raising and strengthening the Coleroon right (or south) bank in the Trichinopoly district. In 1897 an estimate of Rs. 5,000 for raising and strengthening the bank from its junction with the Cauvery left bank at Srirangam Nattu Voikkal head sluice to the 8th milestone near Srirangam was sanctioned and work carried out. The portion of the bank from 11th to 11½th mile was repaired at a cost of Rs. 2,710 in July 1900. This portion of the bank was also protected with groynes and modassil work, but it was breached in spite of these precautions by the flood of August 1900. These breaches were subsequently closed. As it was considered that there was no use in closing the breaches without strong protective works to prevent the river setting against the bank, two stone groynes were constructed in 1902 at a total cost of Rs. 11,405. In August 1903

QUESTIONS AND ANSWERS.

the bank below the Trichinopoly bridge was again breached and while some of these breaches were being closed the floods of November came down and swept away the bank at weak places. As the bank below the 8th mile is both low and weak, an estimate for strengthening it has been prepared and work will be put in hand as soon as possible. The non-existence of the banks referred to by the Honourable Member could not have caused the damages to the land.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXIV. In view of the fact that the districts of Trichinopoly and Tanjore are contiguously situated having common interests especially as regards the Cauvery irrigation, will the Government be pleased to place the two districts under the control of one Superintending Engineer so that the questions affecting the irrigation of these two districts may be disposed of more satisfactorily and with greater expedition?

The Hon'ble Mr. Hammick :—

XXIV. There is no advantage to be gained by placing the two districts under one Superintending Engineer, but, in view of the alterations recently made to the Coleroon Upper Anicut, it may be necessary to place the whole of the Cauvery channels taking off at the anicut under one Executive Engineer, viz., the Executive Engineer, Tanjore division. The matter is one which is under consideration.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXV. (a) In how many districts has the special cess for the construction of district railways been introduced?

(b) What are the railway projects that have been taken up by the several District Boards?

(c) Do the Government contemplate helping these bodies by the grant of loans for the immediate starting of such projects, and if so, to what extent?

The Hon'ble Mr. Hammick :—

XXV. (a) The special cess is levied in six districts.

(b) The following railway projects are under consideration :—

Districts.	Railway projects.
Kistna	{ Bezwada-Masulipatam. Guntur-Répalé. Phirangipuram-Gurazala.
Kurnool	{ Dhondy-Kurnool. Pódanúr-Palni.
Coimbatore	Trichinopoly-Pérambalúr, Musiri or Lalgudi.
Trichinopoly	Salem-Atur.
Salem	Tinnevelly-Tiruchendur.
Tinnevelly	

(c) The matter will be considered when applications are received from the District Boards.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXVI. Is it proposed to take up the Coleroon irrigation extension scheme in the Trichinopoly district and the Mulliyar extension scheme in the Tanjore district during the next year?

The Hon'ble Mr. Hammick :—

XXVI. It is presumed that the first scheme referred to by the Honourable Member is the Nandyar project. The plans and estimates for this project are under consideration by the special Chief Engineer and will, it is understood, be shortly submitted to Government. The Government are therefore not in a position to state whether the project, which will require the sanction of the Secretary of State, will be taken up during the next year.

QUESTIONS AND ANSWERS.

The Mulliyar extension scheme which is a part of the Cauvery project cannot be taken up during the next year, as the estimate for the project itself, amounting to Rs. 239 lakhs, has not yet come before Government.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXVII. Is it a fact that the mufassal Municipalities are not having the benefits of inspection by either the Sanitary Commissioner or his Deputy at least once in a year, and, if so, will the Government be pleased to appoint a few assistants to the Sanitary Commissioner to enable him to carry out the work of inspection and control this branch of Municipal administration, that is sanitation, more efficiently?

The Hon'ble Mr. Hammick :—

XXVII. The Honourable Member is referred to G.O., No. 1280 M., dated 6th August 1895, which has been placed on the Editors' table, under which the inspection of Municipal towns by the Sanitary Commissioner or his Deputy is required only once in two years. The Government are not at present prepared to adopt the Honourable Member's suggestion in the latter part of the question.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXVIII. (a) In view of the opinion of the Sanitary Commissioner that a condition of stagnation has overtaken the Municipal efforts in the direction of sanitary improvements, will the Government be pleased to reconsider the question of giving free grants to such Municipalities as have undertaken large works?

(b) Will the Government be pleased to state to what extent the Government have undertaken to help the water-works projects of Guntur, Tuticorin and Salem?

The Hon'ble Mr. Hammick :—

XXVIII. (a) The Government have been giving free grants to Municipalities in aid of sanitary schemes, whenever the state of Provincial finances has permitted.

(b) Grants amounting to Rs. 1,00,000 and Rs. 57,500 have been paid to the Municipal Councils of Guntur and Tuticorin in aid of their water works, and the Government have undertaken to make a further grant of Rs. 9,000 to the former Council. The water-supply scheme for Salem is still under investigation and no help from Provincial funds has been promised.

The Hon'ble K. VASUDEVA AIYANGAR Avargal :—

XXIX. Will the Government be pleased to state whether they have sanctioned a scheme for the resettlement of the district of Salem, and if so, on what principles it will have to be conducted — whether the reclassification of soils and the revaluation of grain outturns are to be gone through or whether the increase will be effected in proportion to the rise in the prices of the grains?

The Hon'ble Mr. Atkinson :—

XXIX. The Government have sanctioned a scheme for the resettlement of five taluqs of the Salem district, viz., Salem, Atur, Tiruchengódu, Námakkal and Uttangarai. Soils will not be reclassified. The existing rates will be enhanced by two annas in the rupee; and the classification of all waste lands will be lowered by one taram before the enhanced rate is applied. The enhancement has been based on a consideration of the rise in prices since the original settlement; but while the increase in the price of both paddy and dry grains since the date of settlement has been about 40 per cent., the increase in the rates of assessment will be only 12½ per cent.

For details of the resettlement the Honourable Member is referred to G.O., No. 1029, Revenue, dated 7th October 1903, which will now be placed on the Editors' table.

PETITIONS.

The Secretary reported the receipt of the following petitions regarding the Madras Impartible Estates Bill, 1903 :—

From M.R.Ry. V. Ratnasabhapatayya Garu, Pleader, Chittoor, dated 1st January 1904.

From the Mittadar of Sevvalpatti, dated 7th January 1904.

BILL TO AMEND THE MADRAS STEAM-BOILERS AND PRIME-MOVERS ACT, 1893.

The Hon'ble Mr. M. HAMMICK :—Your Excellency, I have the honour now to move that the Bill to amend the Madras Steam-boilers and Prime-movers Act, 1893, be taken into consideration in view of its being passed into law. It is unnecessary for me to say anything, because on the last occasion when this Bill was mentioned in the Council I briefly gave the reason why this Bill was necessary. Since then no petitions and no remarks have been submitted by any body on the subject of the Bill, which may be due either to indifference or to assent to the general provisions of the Bill. I now, therefore, ask that the Bill may be taken into consideration.

The Hon'ble Mr. J. N. Atkinson seconded the motion, which was put to the Council and agreed to.

The Hon'ble Mr. M. HAMMICK :—I have now the honour to move that the Bill be passed into law.

The Hon'ble Mr. J. N. Atkinson seconded the motion, which was put to the Council and agreed to.

THE MADRAS IMPARTIBLE ESTATES BILL, 1903.

The Hon'ble Mr. G. S. FORBES :—My Lord,—I have now the honour to present the report of the Select Committee on the Madras Impartible Estates Bill and to move that the Bill, as amended by the Select Committee, be taken into consideration.

The report fully explains the modifications made in the Bill as introduced, and I need not take up the time of the Council in going through them at any great length. It will be observed that no radical change has been proposed, and so I will now proceed at once to recapitulate the amendments of the Select Committee. First, it will be seen that we have excluded the West Coast districts from the extent clause, sub-clause (1) of clause 1. A question was raised whether a strict construction of the Bill might not subject *stanom* and similar properties, which are impartible, to the incidents of impartibility as declared in the Bill. These properties are clearly beyond the intention of the proposed legislation; but in case any question should be raised the Select Committee deemed it safer to put the matter beyond doubt by the special exclusion of the districts in which such properties are situated. This seemed to us a simpler mode of proceeding than attempting to find a phraseology which, while including estates of the zamindari class to which the Bill properly applies, would exclude *stanoms* and the like. Fortunately for the draftsman such estates are found only in the West Coast districts and so a territorial clause sufficiently effects the object.

The repeal clause, sub-clause (3) of clause 1, repeals both the existing Acts.

Clause 4 of the original Bill purported to instance some of the cases in which alienations were permissible, the object being by such enumeration to diminish the chances of dispute and litigation. From this category we have now omitted sub-clause (2) (b) which specified the power of alienating for the purpose of effecting agricultural improvements. This exclusion does not, however, in any way prejudice or affect any right in this direction which the proprietor of an impartible estate may possess under the law. As the clause stood it might be used to justify wholesale alienations otherwise unwarrantable. Further, having in view the rights which ryots and others may possess in a zamindari, it was apprehended that the clause might be

misconstrued and read as conferring on the proprietor larger rights over the soil than in some cases he possessed. Sub-clause (b) has therefore been omitted and the matter left to the ordinary law.

At the same time we have defined more fully the proprietor's rights in respect of mining or quarrying leases. The report explains on what lines the new provisions have been developed. In the case of leases of the zamindar's *pannai* or home-farm lands, we have reduced the maximum term to fifteen years. We have introduced a new clause 4-A, the object of which is also fully explained in the report. It will enable a concessionaire of mining rights to secure for the prescribed term a lease which will be unimpeachable by the grantor or his successors, in so far as it concerns the amount of the rent reserved, and the conditions on which the rent is to be paid. This new provision will, we confidently hope, do much for the development of the mineral resources of the Presidency.

To clause 6 words have been added making it clear that the provisions of the Act shall not apply to portions of an impartible estate which have been permanently alienated.

The only change in the schedule is the inclusion of Ambarapeta with Nidadavolu. The former is a paragona of the main estate, and has no separate sanad, though an alienation has been registered in the Collector's books. The tenure of the Nidadavolu estate is at present being contested in the civil courts; and if it be finally determined that the estate is not impartible but partible, then sub-clause (2) of clause 7 will apply, and the estate will be deemed not to have appeared in the schedule. Until such final determination however the estate will, in accordance with the principle which has been adopted in regard to estates under litigation, receive the protection of the new law.

These are all the changes which the Select Committee have made in the Bill as introduced; and they were, I am glad to add, unanimously adopted. There is however one point on which two of the Honourable Members on the Committee have appended a recommendation to the report. They desire that it should be made clear that a proprietor shall have the power of alienation when he has no legal heir, and, when otherwise, the estate would escheat to Government; and amendments have been put on the notice paper to effect this. I may at once say that Government have no desire to deprive the proprietor of the right to alienate at his death in such circumstances; and I shall be prepared to accept an amendment in that sense.

Before concluding I may be permitted to read a few words from a judgment of the Privy Council delivered so lately as November last, the report of which had not been received when I introduced this Bill. The case related to an impartible estate in Madura, and the question was what law should be applied to the sale of a portion of the estate. This is what their Lordships of the Privy Council said—

"As regards the law of the matter in 1873 and 1876, when the sales took place, it was the accepted law in Madras that the holder of an impartible zamindari who was himself a member of an undivided family could not alienate or encumber the corpus of the estate so as to bind his co-parceners, except for justifiable special causes. Prior to 1889 there had been a series of decisions to that effect in the Madras courts, but in that year following the judgment of this Committee in the Allahabad case the High Court of Madras overruled those decisions

"That reversal of the previously accepted interpretation of the law contained in their Lordships' opinion displaces its application to the construction of contracts contained in the certificates of sale now under consideration

"Their Lordships agree with the courts below in holding that in 1873 and 1876 when the sales took place the parties must be taken to be bound by the law as it was at the time understood, and that the estate purchased by the appellant was only the life-interest of the then zamindar."

I read these extracts not that there has ever been any doubt in the mind of this Government that the law, as always understood in this Presidency, was radically altered by the Allahabad decision; but simply for the satisfaction of finding now the same view emphatically enunciated by the highest legal tribunal in the Empire.

I cannot pass on to the motion standing in my name without acknowledging the great assistance which the Select Committee received from the Hon'ble Mr. Sankaran Nayar and the Hon'ble Mr. Govindaraghava Aiyar, while the experience of the Honourable the Maharaja of Bobbili in the administration of his great estates was of much value on several points which came under discussion.

I now beg to move that the Bill as amended by the Select Committee be taken into consideration.

The Hon'ble the MAHARAJA OF BOBBILI:—My Lord,—In seconding the motion, I beg to say that when the Bill was introduced into the Council, I made a suggestion that a holder of an impartible estate should have power to make additions to his estate. When I moved the same point at the Select Committee, the Hon'ble Messrs. Sankaran Nayar and Govindaraghava Aiyar said that under the present law, if a holder of an impartible estate acquires immovable property out of the savings of his impartible estate, and if he wishes to have it added to his estate as part and piece of it, he can do so.

I have also consulted with several lawyers on the subject, and they were of opinion that it could be done; but it would be open to several questions.

Now, My Lord, I see from the agenda paper that an Honourable Member has proposed the same amendment in the Bill. If the benign Government are pleased to accept the amendment, we, the zamindars, will be more grateful to the Government, as an additional favour, so as to save us also from unnecessary litigation on this point. Now I heartily second the motion.

The motion was put to the Council and agreed to.

The consideration of the title and the preamble of the Bill was postponed.

Clause 1.

This clause was put to the Council and agreed to.

Clause 2.

The Hon'ble K. VASUDEVA AIYANGAR AVARGAL:—The amendment that stands against my name is that in sub-clause (2) after the words "Southern India" the words "and includes additions made to the estate by the proprietor from time to time" be inserted. On account of adverse seasons or unforeseen contingencies a proprietor may be obliged to spend beyond his income and make alienations. In such circumstances it is but just that he should be allowed to make good the loss by new purchases and thus add to the property. A proprietor may also be able, by prudent management, to purchase new estates. We are not going beyond the provisions of this Bill, beyond the intentions of this Bill, to make these new estates also partake of the nature of the original estate to which this Bill applies. The Madras High Court has laid down that if the accretions had been considered to be a part and parcel of the estate for a number of generations, for three or four generations, then they should have the characteristic mark of the estate. We are not going beyond the provisions of the law, as it is understood at present, if we include this harmless provision in sub-clause (2) of clause 2.

The Hon'ble the Maharaja of Bobbili seconded the amendment.

The Hon'ble M. KRISHNAN NAYAR AVARGAL:—May it please Your Excellency, I have so much respect for the opinion of the Honourable Mover and the Honourable the Maharaja of Bobbili who seconded this amendment that I think there must be some defect in my way of thinking if I oppose this amendment. I wish to offer a few remarks to show that this amendment is unnecessary. For one thing, according to the law of accretions, accretions have always the same incidents as those to which they are the accretions. If that be the law—and I think that is the law—then there is no necessity for this amendment at all. If, on the other hand, that is not the law, even then I doubt whether it is necessary that in the interests of the zamindar, especially the younger sons of the zamindar, such an amendment should be passed. A zamindar may, out of the savings of his zamindari, acquire large properties and he may have a desire to so dispose of his acquisitions as to benefit his younger sons. Under the law as it will stand after the passing of this Bill, it is only the eldest son that will be entitled to the possession of the zamindari; and naturally a father will have a desire to provide for his younger sons, out of the acquisitions he has made from the income of the zamindari. According to the wording of the amendment, as suggested by my Honourable friend, this option will be taken away from the zamindar. I, therefore, submit to Your Excellency that it is not desirable to have an amendment like this. I very well understand the spirit in which the amendment is moved. But if my Honourable friend so shapes the amendment as to make it optional with the

zamindar to make accretions a part and parcel of his impartible estate, my objection will be met. But, as it is, the amendment makes it compulsory on the zamindar to make the accretions a part and parcel of the impartible estate.

The Hon'ble K. VASUDEVA AIYANGAR AVARGAL:—May I be permitted to say one word.

His Excellency the PRESIDENT:—Yes.

The Hon'ble K. VASUDEVA AIYANGAR AVARGAL:—I have clearly stated the conditions under which this amendment is to be given effect to. It is only by the express view of the proprietor that accretions should be added to the estate. So that the amendment will not affect the proprietor's right to give away the accretions to the junior members of his family. If he likes, he can do so; or if he expressly says that they should be added to the estate, this provision will enable it to be done. This provision is not binding upon the proprietor; but it is only optional. As regards the legal aspect, the Honourable Member says it is only codifying the existing law. If I am informed correctly the law is not very clear at present. The only decision is what is reported in Indian Law Reports 16 Madras, where it is said that where a property is within the limits of a zamindari—that decision speaks of *pannai* lands—it acquires the nature of impartibility, but it does not speak of any other lands such as ryotwari lands. But my amendment includes all these lands.

The Hon'ble the ADVOCATE-GENERAL:—With regard to the observations just fallen from the Honourable Member I may say that it is clear from Indian Law Reports 29 Calcutta, that this question was considered by the Calcutta High Court and it has been held that it is only a question of intention. There is no necessity for this amendment at all. The principle upon which this Bill has been drafted is not to attempt codification. I do not think that if these words are put in, it will make any alteration in the law.

The Hon'ble C. SANKARAN NAYAR AVARGAL:—I agree with the learned Advocate-General in thinking that this amendment is unnecessary.

, 12-40 P.M.

The Hon'ble Mr. G. S. FORBES:—I regret to say that I cannot accept the amendment. I very much sympathise with the object of the Hon'ble the Maharaja of Bobbili who originally proposed this in the Select Committee where the matter was very fully discussed. For the reasons stated by the Honourable the Advocate-General and also by the Hon'ble Krishnan Nayar, it is quite impossible to include a provision declaring that certain accretions are impartible without going far beyond the scope of the Bill. The very fact that the Honourable Member who moved this amendment requires to explain at such great length the amendment shows at any rate how unsuitable it is to be put into the Bill in the language in which it is proposed. It takes away, as it has been observed, all option from a proprietor of intimating his desire as to the disposal of the accretions made to his property. The amendment, as it stands, would bind him, whenever he bought any property out of the income of the estate, to make it an impartible property. Moreover I doubt very much whether the law is clear about these accretions. For instance, I do not understand how, if a zamindar bought ryotwari property out of the profits of his impartible zamindari estate, the ryotwari lands, in respect of which he would be only a ryot, would become impartible property. As observed by the Advocate-General, the object of this Bill is not to codify all the law with respect to the rights of zamindars. I am afraid I cannot accept this amendment.

The amendment was put to the Council and lost.

Clause 2 was put to the Council and agreed to.

Clause 3.

The Hon'ble K. VASUDEVA AIYANGAR AVARGAL:—My next amendment is that after the word "included" and before the word "in" the words "and to be hereinafter included under the special orders of the Government" be inserted.

There were so many reasons which prompted me to submit this amendment, but now that I have consulted several Members of the Council, I don't want to press this amendment.

With the permission of His Excellency the President the amendment was withdrawn.

Clause 3 was put to the Council and agreed to.

Clause 4.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR Avargal:—Your Excellency, the Honourable Member in charge of the Bill agrees in the principle of the next amendment which stands in my name. I shall be agreeable to any change in the language that may be proposed provided it has the effect of carrying out the principle that I suggest.

The Hon'ble Mr. G. S. FORBES:—As I said in presenting the report of the Select Committee I have no objection to accepting the principle of this amendment. As the Hon'ble Mr. Govindaraghava Aiyar is willing to adopt any language which will carry out the principle of his amendment, I propose the following—

His Excellency the PRESIDENT (interrupting):—It will be more convenient if the Honourable Member will consult with him. Then the amendment that is agreed upon may be moved.

The Hon'ble the ADVOCATE-GENERAL:—We have submitted it to the Honourable Member, Sir.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR Avargal:—I accept the language proposed. I move that the following be added as sub-clause (3) to clause 4:—“Nothing in this section shall be construed to restrict the power of the owner of an impartible estate to provide for the succession thereto in default of heirs”. This amendment I beg to move in substitution of the one of which I gave notice.

The Hon'ble G. Srinivasa Rao Avargal seconded the amendment which was put to the Council and agreed to.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR Avargal:—Your Excellency, I find that there is a conflict of views as to the liability of the great-grandson to pay the debts of his great-grandfather and so with Your Excellency's permission I shall withdraw the amendment of which I gave notice for the insertion of the words “or great-grandfather” between the words “grandfather” and “of” in sub-clause (1).

With the permission of His Excellency the President the amendment was withdrawn.

His Excellency the PRESIDENT:—That includes the explanation which is appended to your amendment?

The Hon'ble L. A. GOVINDARAGHAVA AIYAR Avargal:—That explanation has gone with the other amendment.

The Hon'ble K. VASUDEVA AIYANGAR Avargal:—My next amendment is for the insertion of the following at the end of sub-clause (1):

“This does not affect the powers of the proprietor to regulate succession in the absence of any person entitled to inherit the property.”

The principle embodied here has been made clear by the amendment which has just been carried, its wording also being almost in the same form as I have put down and I shall therefore withdraw my amendment.

With the permission of His Excellency the President the amendment was withdrawn.

The Hon'ble K. VASUDEVA AIYANGAR Avargal:—I beg to move that in sub-clause (2) (a) the word “public” both before the words “charitable” and “religious” be omitted. The distinction between public and private charities is a delicate one. Moreover when the powers of a zamindar have been so much restricted he might have no power to grant sites for private charities. I therefore thought that the word “public” might be left out. I don't press this amendment, but I only put forward my views. If the Honourable Member in charge of the Bill does not see his way to accept it—

His Excellency the PRESIDENT (interrupting):—Does any Honourable Member second the amendment?

The Hon'ble G. SRINIVASA RAO Avargal:—I beg to second the amendment.

The Hon'ble K. VASUDEVA AIYANGAR Avargal:—I withdraw the amendment. I did not put it forward to be put before the Council. But I simply asked the Honourable Member in charge of the Bill if he was prepared to accept it. I did not quite catch what he said. If he could not accept it, I would withdraw it.

His Excellency the PRESIDENT:—It can be withdrawn at a later stage.

The Hon'ble Mr. G. S. FORBES:—I cannot accept the amendment. The point was carefully considered in Select Committee and the wording was settled, as in the Bill before the Council. With reference to private charitable and private religious institutions, I have no doubt that, if and to the extent that under the present law a zamindar can alienate his property for such purposes, there is nothing in this Bill which will affect his rights.

With the permission of His Excellency the President the amendment was withdrawn.

The Hon'ble M. KRISHNAN NAYAR Avargal:—Before Your Excellency puts clause 4 to the vote, I hope I shall be in order if I ask for an information about sub-clause (2). Sub-clause (2) (b) (ii) says—

“to grant mining or quarrying leases for terms not exceeding sixty years and leases of the pannai or home-farm lands for terms not exceeding fifteen years, provided that every such lease . . . shall reserve the best rent that can reasonably be obtained, regard being had to any money laid out or to be laid out for the benefit of the estate . . .”

In the original Bill I find the words “by the lessee” after the words “to be laid out”. But in the Bill as it now stands those words are omitted. I do not know what the reasons were that induced the Honourable Members on the Select Committee to drop those words. I am not moving any amendment, but I only make some suggestions with reference to portions of this clause. If the words that were in the original Bill are inserted in the Bill before us, it will make the meaning of the clause more clear. As it is, there is no chance for the zamindar himself laying out money on improvements of zamindari lands and claiming rent for that amount of money laid out on the zamindari from the lessee. On the other hand, the lessee may lay out certain sums of money for the improvement of the lands and there may be disputes by reason of such laying out of money between the zamindar and the lessee as to the rent that might be payable to the zamindar. It seems to me if the words “by the lessee” be allowed to remain in the Bill, it will probably make the intention of the legislature more clear.

The Hon'ble Mr. G. S. FORBES:—I have no objection to accept the amendment. It was understood that the language of the clause as it is, clearly implied it. I understand that the English statute from which this wording was taken does not contain the words “by the lessee”. But to make the provision clear I have no objection to have these words inserted.

The Hon'ble M. KRISHNAN NAYAR Avargal:—If a formal amendment be necessary I am prepared to move it.

His Excellency the PRESIDENT:—Yes, it is better to move it.

The Hon'ble M. KRISHNAN NAYAR Avargal:—I beg to move that in clause 4, sub-clause (2) (b) (ii), the words “by the lessee” be inserted after the words “to be laid out”.

The Hon'ble the Advocate-General seconded the amendment, which was put to the Council and agreed to.

The Hon'ble M. KRISHNAN NAYAR Avargal:—In sub-clause (2) (b) (iii), I have some doubt. Here again I do not move any amendment, but I want some information. The sub-clause runs thus:—

“shall contain a covenant by the lessee for payment of rent and a condition of re-entry on the rent not being paid within a time therein specified not exceeding three months.”

It seems to me there is some obscurity in that clause. My difficulty commences from the words “within a time therein specified not exceeding three months”; and the difficulty exists specially with reference to the words “not exceeding three months”. To make my meaning clear I shall take an illustration. Suppose rent is payable on the 31st of December in a particular year. What I suppose is meant by this provision is that there may be an additional provision to say that if the rent due on the 31st of December be not paid before a particular period, say, the 31st of

March next year, then the landlord shall have the option of re-entering upon the land. If this illustration shows the idea contained in this clause, then I am afraid the clause is not very clear. The time specified in the clause must have reference to some time other than the time when the rent is due. There may be two dates mentioned in the lease—one the date on which the rent ordinarily accrues and the other a subsequent date on or before which if the rent is not paid, certain right accrues to the landlord. There are two dates contemplated by this Bill. As it is, there is reference only to one time and I do not know whether it is the time when the rent falls due or whether it is the time within which the landlord gives him time to make the payment. Probably in working this clause, there may be difficulty.

The Hon'ble the ADVOCATE-GENERAL:—I don't think we can improve on this language. I have the least hesitation in saying so, because it is taken from the Settled Land Act, 1882. This is the accepted form of drafting and there cannot be any other provision which can be better understood. The meaning of this provision is very clear, viz., that there should be the right of re-entry if the rent is not paid within the time allowed after it falls due. The rent must fall due on a certain day and a period has to be specified for paying it before a landlord can have the right of re-entry. This is the accepted form of expressing the intention of the legislature. In this respect I do not think it is likely that we here should be able to improve upon it.

The Hon'ble Mr. G. S. FORBES:—I have only to add that the doubt which the Honourable Member has expressed did occur to certain members of the Select Committee and a very considerable amount of discussion was held over it; and the wording of the clause was finally adopted from the English Act.

The Hon'ble M. KRISHNAN NAYAR Avargal:—Before we leave the clause altogether I may refer to sub-clause (2) (b) (iv) and express a similar doubt. The Honourable the Advocate-General and the Honourable Member in charge of the Bill have told us, Your Excellency, that the language of the clause was taken word for word from English statutes. That is what I also find in the report of the Select Committee. With reference to this sub-clause, the meaning of the latter portion of it seems to be very obscure. I made an attempt to understand the meaning of the last portion of that clause, and I don't think I have succeeded in having a clear grasp of it. The wording may be as it is in the English statutes; but when we legislate it is advisable and necessary, if possible, to make the meaning clear. It is not necessary for us to copy it word for word from the English statutes. I hope I may not be understood as saying anything by way of carping criticism. It is only to clear my doubt I make these remarks. The sub-clause says "if a mining or quarrying lease may make the rent ascertainable by or to vary according to the acreage worked, or by or according to the quantities of any mineral or substance gotten, made merchantable, converted, carried away, or disposed of in or from such estate, or any other land, or by or according to any facilities given in that behalf"; so far I feel no difficulty; it proceeds "and may reserve a fixed or minimum rent with or without power". Then the difficulty commences "for the lessee, in case the rent according to acreage or quantity in any specified period does not produce an amount equal to the fixed or minimum rent, to make up the deficiency in any subsequent specified period, free of rent other than the fixed or minimum rent." I have not been able to understand the last portion. I should like to know with which portion of the sentence the phrase "free of rent other than the fixed or minimum rent" goes. I have found some difficulty in understanding it and others also may feel the same difficulty. If possible, the meaning may be made clear.

The Hon'ble the ADVOCATE-GENERAL:—I would only say that any one who has had anything to do with mining leases will understand it. This language is taken from the Settled Land Act, 1882. If the Honourable Member had anything to do with settling mining leases, he would not have found any difficulty in knowing what is meant by the clause. To put it in a popular way it is this: that there is to be a minimum rent. If the mining operations do not realise in one year the minimum rent, still the lessee has to pay the minimum rent although he gets nothing from the mining operations. Next year when he is more successful, when he makes not only the minimum rent but more, he pays only the minimum rent till he recoups what he has lost in the previous year. This is the language of skilled English lawyers. Exactly the same question arose at Home when the tenants for life were given powers by the Settled Land Act, 1882, to make mining leases. I don't think we can improve upon this language.

The Hon'ble Mr. G. S. FORBES:—Practically the minimum rent is fixed and must always be paid, but any additional rent, say on acreage, may be made up in subsequent years, and if so the lease will not be impeachable.

His Excellency the PRESIDENT:—Is the Honourable Member satisfied?

The Hon'ble M. KRISHNAN NAYAR Avargal:—The Honourable the Advocate-General says that this is rather too technical. But I suppose when cases crop up in courts experts will be called in as witnesses.

Clause 4 as amended was put to the Council and agreed to.

Clause 4-A.

This clause was put to the Council and agreed to.

Clause 5.

The Hon'ble K. VASUDEVA AIYANGAR Avargal:—I beg to move that after the word "Collector" the words "and the Board of Revenue" be inserted. I do not

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know if the Collector is subject to the control of the Board of Revenue, considering that the power contained in this clause is conferred on him specially. It is apprehended that this power may be exercised by the Collector with a certain degree of arbitrariness. It is therefore thought proper that in the interests of the proprietor the Board of Revenue should have also some control over it.

The Hon'ble M. Krishnan Nayar Avargal seconded the amendment.

The Hon'ble Mr. G. S. FORBES:—I do not think it necessary to accept this amendment. There is no object in introducing the words proposed. The last clause of the section says:

"Such consent shall not be refused unless, in the opinion of the Collector, the case is one in which the land revenue due to Government may be realised by management of the estate under the provisions of the Madras Revenue Recovery Act, 1864."

If the Collector thinks that by the management of the estate the revenue due to the Government may be realised, then the zamindar has no power to alienate his property. That is all in favour of the zamindar. If you introduce the words "Board of Revenue", there will be less finality about the decision. If the Collector refuses an application once, there is no reason why a second application should not be made to him.

The Hon'ble the ADVOCATE-GENERAL:—There is nothing in this clause to prevent a zamindar who is dissatisfied from applying to the Board of Revenue for redress. If the Board of Revenue choose to act and if they differ from the Collector, the Collector would probably yield.

The Hon'ble K. VASUDEVA AIYANGAR Avargal:—This is a special power conferred upon the Collector.

The Hon'ble the ADVOCATE-GENERAL:—A proprietor might alienate his estate under this Act to pay revenue; but under this clause he must first get the Collector's consent. If the Collector refuses his consent, possibly the Board of Revenue might, on petition, tell the Collector to give it. Though the Collector might refuse his consent once, yet, as pointed out by the Honourable Member in charge of the Bill, there is nothing to prevent the proprietor from going up to him again. You cannot go and borrow until you have got the Collector's consent; but if he refuses his consent, there is nothing to prevent you from asking for it again. If he refuses his consent, you may petition the Board of Revenue and the Board of Revenue might probably tell the Collector to give the sanction.

The Hon'ble K. VASUDEVA AIYANGAR Avargal:—Can the Board interfere?

The Hon'ble the ADVOCATE-GENERAL:—The Collector is under the Board of Revenue.

The Hon'ble K. VASUDEVA AIYANGAR Avargal:—If that is so, if there is nothing to prevent the Board of Revenue from interfering with and setting aside the order of the Collector, I withdraw the amendment.

With the permission of His Excellency the President, the amendment was withdrawn.

Clause 5 was then put to the Council and agreed to.

Clauses 6 and 7.

These clauses were put to the Council and agreed to.

Schedule.

The schedule to the Bill was then put to the Council and agreed to.

Title and Preamble.

The title and the preamble to the Bill were then put to the Council and agreed to.

The Hon'ble Mr. G. S. FORBES:—I beg to move that the Bill as amended in Select Committee and as now amended in Council be passed into law.

The Hon'ble the Maharaja of Bobbili seconded the motion.

The Hon'ble K. VASUDEVA AIYANGAR Avargal:—I should like to say a few words, as I want to clear doubts in clause 6.

His Excellency the PRESIDENT:—Clause 6 has already been passed. The Honourable Member is not in order.

His Excellency the PRESIDENT, in concluding the debate, said:—Honourable gentlemen, it is most refreshing to have to deal with a Bill which meets with unanimous acceptance in this Council and which is also approved by the public at large. I wish that it could always be so, but that is unfortunately not in human nature. I am not revealing any secrets when I say that my Colleagues and I find plenty of subjects on which we cannot agree, or rather on which we amicably agree to differ, and if unanimity is not always possible in a Council of three, how much more rare must it necessarily be in a Council of twenty-four. To-day, however, we are all in agreement and I might shorten our sitting by keeping silence, if I did not feel that some remarks are called for from me before we finally dispose of the question which is before us.

I wish, in the first place, to point out that this Bill, which I hope will soon become law, does not stand by itself, but is part of a wider and coherent policy on the part of the present Government, the policy of restoring, preserving and, if possible, amending the zamindari system of this Presidency. I shall endeavour to describe that policy and I may begin by saying that the method which we have adopted is, like that of the physician, threefold—therapeutic, prophylactic, and hygienic. The first stage was therapeutic; we naturally turned our attention first of all to those that were actually sick and prescribed the course of treatment which we thought best adapted to cure the disease. That course of treatment was embodied in the Court of Wards Act in the provisions framed for preserving the life of encumbered estates. The patients, I fear, were already very far gone and it is still unfortunately doubtful whether it will be possible to pull them round, but there was also at this stage a regrettable want of confidence in the physician on the part of the patient's friends. The next stage has been that which we are just bringing to a conclusion—the prophylactic. In the present Bill we have prescribed measures for preventing a form of the disease which we have to combat, namely, dismemberment and disintegration of ancient estates and ancient families. The physician has now inspired more confidence and the treatment is regarded as sound by all those who wish for the good health of the patients. There remains a third and more difficult stage which is yet before us—the hygienic. When we have cured disease and guarded as far as possible against its recurrence, we must endeavour to improve the general health of the patient. This can only be done by imposing new rules of life, and for this purpose we are anxiously considering a new Tenancy Law for the Presidency. I hope that the physician will meet with no serious hindrance when he begins what will be by far the most difficult task of all, and it is one of my most cherished personal desires to see this completion of our policy of preserving and strengthening the landed aristocracy of Southern India, before I leave the Presidency.

It is, in my opinion, a matter of the highest political expediency that the landed aristocracy of this country should be preserved and made a source of strength both to

the Government and to the people. Why should I say both to the Government and the people?; for the interests of both are identical and the same. I will rather say that it is for the good of the country that I consider it necessary to preserve the landed aristocracy. This has not always been the policy of the Madras Government, but I hope that it will now remain so for a long time to come. There have been fluctuations and changes of opinion in the past. Sir Thomas Munro during his Governorship was strongly impressed by the necessity of preserving, I quote his own words, "the hereditary possession of ancient zamindaris in their families, of preserving the respectability of the zamindars and of securing the country from being disturbed by family division of property or disputed claims to the succession of the zamindari and the zamindars from ruinous litigation in the Courts of Judicature." To this end he advocated a law of entail, but the project was abandoned on account of many difficulties and the supreme objection that it would revolutionise the Hindu Law of Inheritance. Then came a time when the Madras Government were disheartened by the persistent folly and extravagance of the zamindars and the seeming hopelessness of their ever learning their duties towards their tenants, and a directly contrary policy was deliberately adopted, the policy of leaving the zamindari system to the natural process of decay. This view was prevalent in 1890 when the Madras Landholders' Association, headed by the Raja of Venkatagiri, first asked for the legislation on which we are now engaged. Their petition, which described in forcible language the evils which were rapidly growing up, was rejected by Government and it was not till 1897 that there was a return to the opinions of Sir Thomas Munro. Three years later, just about when I came to Madras, the Landholders' Association returned to the charge and concluded their persuasive representations by saying that "the evils are great and imminent, the remedy is simple, but will be useless unless prompt."

Accordingly we took prompt measures and passed the legislation through the several stages with which most of the present members of this Council are familiar. Perhaps I may re-state briefly the reasons which actuated us. In the first place we were impressed by the general expediency of having a landed aristocracy, a class which, with the advance of education and enlightenment, might become a source of strength to the country by acting as the political and social leaders of the people and the interpreters between them and Government. In the absence of an aristocracy of wealth, the zamindars are the only existing aristocracy and they are, what is highly important in a non-democratic country, the aristocracy of birth. Their influence, if they chose to exert it, would be social and agricultural, both of which are of the first importance in an agricultural country. There seemed to be every reason to believe that the people desired the continuance of the zamindars in dignity and influence rather than their disappearance. But the very existence of these zamindars was menaced. As the Landholders' Association pointed out, the rapid increase of partition suits was undermining the prestige and influence of the zamindars. The partition of property meant the diminution of property, the diminution of property meant the diminution of income, and the diminution of income deprived the landlord of the power of benefiting his tenants. The substitution of a number of small proprietors for the big landlord meant hardship to the people; for the smaller a proprietor becomes, the more he presses on his tenants. It meant also the demoralisation of the ancient families;

1-20 P.M.

for so long as the younger sons could claim to divide off a share of the paternal acres and live on it at ease, they had no stimulus to go into the world, develop their wits, adopt a profession and strike out a line of their own. These are the evils which we are now seeking to prevent.

There are probably few people who realise what a very large portion of this Presidency, which is generally spoken of as subject to the ryotwari system, is actually under zamindari tenure. I have no clear recollection of the actual figures, but my impression is that more than a fourth of the land is in the hands of the zamindars who have thus in their personal keeping the welfare of a fifth of the population or about eight million souls. It is not hard to see what immense opportunities these landholders have of promoting the moral and material welfare of the people on their estates, and how these people must needs suffer if the landlords are apathetic, neglectful and ignorant. I am afraid that it cannot be said that the zamindars as a class have hitherto shown any signs of advancing with the times. There are, of course, honourable exceptions, but the vast majority have been content to go on in the old ancestral methods. They

know nothing of modern science and agriculture, rural economy or industrial improvements. Whether it be in actual farming, or in tenures and rentals, or in their relations with their tenants or in the general management of their estates they adhere blindly to the old-fashioned routine of their forefathers. This backwardness on the part of the zamindar class has been the main argument against the policy of protecting and preserving them by special legislation, and as I have already said, that argument prevailed with the Madras Government until a few years ago. But now we have adopted a more hopeful attitude; we are unwilling to believe that the zamindars will always lag behind the times, and we are seeking to give them all the encouragement in our power. It is our hope that they will develop into a powerful and influential class which will form the backbone of society, develop the material resources of the country and help to span the gulf which exists between the Government and the people. It will take time, a long time, but those who plant the seedlings of big trees are content to leave the profit of the timber to succeeding generations.

It may be said that the present legislation only affects a small fractional number of the zamindari estates in the Presidency. That is quite true, but it affects the estates which are most important and the families which are most ancient and respected, the estates and families which ought to be an example to the rest. We look to those landholders who will be secured in their rights and freed from the anxieties and disadvantages of which they have complained, to set an example to the rest of their class and lead the way along the path of progress and reform.

The enlightened noblemen who form the Landholders' Association are, I know, deeply interested in the question of the education of young zamindars, and there is none among them who has given more thought to the matter than the Hon'ble the Maharaja who sits in this Council. Some little time ago the Maharaja of Bobbili urged the Government to appoint an Advisory Council to the Newington School of the Court of Wards, and he was supported by other Non-official Members of this Council as well as by the Press. We have accepted his advice and appointed an Advisory Council, from which we hope that many valuable suggestions will emanate, not only with respect to Newington, but also with respect to the general education of young zamindars, a question which is fraught with many and peculiar difficulties. But although we have accepted the advice which was given in this Council and endorsed by the organs of public opinion, our action has passed almost unnoticed and our object of displaying our sympathy and giving our encouragement has been unrecognised. Indeed, I only saw a single comment in the newspaper which advocated the Advisory Council most loudly, and that, with singular inconsistency, was of a derisive nature. But I only mention the matter to show that we are not unmindful of the important question of that education of the aristocratic classes on which depends the future to which we look forward and are ready to accept the advice and defer to the wishes of those who are personally most concerned.

I think that I have now sufficiently indicated the objects of the policy in which this Bill is an important step and the hopes which we build on it for the future.

It only remains for me to express my grateful recognition of the valuable assistance which we have received from the Non-official Members of the Council in the consideration of this Bill. It was not such an easy matter as it appeared to be at first sight, but I hope that our Bill is now drafted on safe and sound lines. If this be so, we are particularly indebted to the Hon'ble Mr. Sankaran Nayar, the Hon'ble Mr. Govindaraghava Aiyar, and also to a former Member of Council, Diwan Bahadur Jambulingam Mudaliyar, who bestowed an infinity of trouble on the solution of the knotty points which arose as soon as our discussions began.

I point out that the Bill now be passed by an unanimous vote.

The motion to pass the Bill into law was put to the Council and agreed to unanimously.

His Excellency the PRESIDENT :—Honourable Members will see that the only other Bill which we can confidently hope to take into consideration this session is the Municipal Bill. But the labours of the Select Committee on this Bill are so enormous that it is impossible for us to say when it is likely to be ready for consideration in Council. I had hoped that we should have had other legislative work ready—the Harbour Trust Bill and even the Bill to which I have just referred, the Tenancy Law for the Presidency; but at present it is impossible to foretell when they will be ready for submission to the Council. I therefore adjourn the Council *sine die*.

The Hon'ble the MAHARAJA OF BOBBILI :—I want to say a few words to the Council by way of offering my thanks to the Government.

His Excellency the PRESIDENT :—I am afraid that the Hon'ble the Maharaja has missed his opportunity. I am very sorry I cannot allow him to speak as I have adjourned the meeting. I thought I had given sufficient time for Honourable Members to speak. We will, however, take the will for the deed.

1-30 P.M.

A. G. CARDEW,
Ag. Secretary to Government, Leg. Dept.

Proceedings of a Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Vic., cap. 67, and 55 and 56 Vic., cap. 14.

The Council met at the Council Chamber, Fort St. George, at noon, on Tuesday the 12th day of April 1904.

PRESENT:

His Excellency Baron AMPHILL, G.C.I.E., Governor of Madras—*Presiding*.
 The Hon'ble Mr. J. THOMSON, C.S.I.
 The Hon'ble Mr. G. STOKES, C.S.I.
 The Hon'ble L. A. GOVINDARAGHAVA AIYAR Avargal.
 The Hon'ble C. SANKARAN NAYAR Avargal.
 The Hon'ble K. VASUDEVA AIYANGAR Avargal.
 The Hon'ble Mr. M. HAMMICK, C.I.E.
 The Hon'ble Mr. C. J. WEIR.
 The Hon'ble R. N. PRAKASA MUDALIYAR Avargal.
 The Hon'ble Mr. J. TWIGG.
 The Hon'ble Diwan Bahadur R. V. SRINIVASA AIYAR Avargal.
 The Hon'ble Mr. J. N. ATKINSON.
 The Hon'ble Dr. A. G. BOURNE, F.R.S.
 The Hon'ble G. SRINIVASA RAO Avargal.
 The Hon'ble M. KRISHNAN NAYAR Avargal.
 The Hon'ble Sir G. G. ARBUTHNOT, Kt.
 The Hon'ble GHULAM MUHAMMAD ALI SAHIB BAHADUR, Khan Bahadur, Prince of Arcot.
 The Hon'ble Mr. G. S. FORBES.
 The Hon'ble Mr. H. P. HODGSON.
 The Hon'ble Mr. H. BRADLEY.
 The Hon'ble C. MUTTUKUMARASWAMI MUDALIYAR Avargal, Zamindar of Chunampet.

ADDITIONAL MEMBERS.

12 noon. The Secretary reported that the following gentlemen had taken their seats as Additional Members of Council:—

The Hon'ble GHULAM MUHAMMAD ALI SAHIB BAHADUR, Khan Bahadur, Prince of Arcot.
 The Hon'ble Mr. G. S. FORBES.
 The Hon'ble Mr. H. P. HODGSON.
 The Hon'ble Mr. H. BRADLEY.
 The Hon'ble C. MUTTUKUMARASWAMI MUDALIYAR Avargal, Zamindar of Chunampet.

QUESTIONS AND ANSWERS.

His Excellency the PRESIDENT:—Honourable Members will put the questions which stand in their names.

The Hon'ble M. KRISHNAN NAYAR:—

I. Is it a fact that the small cause jurisdiction over the whole of the district of North Malabar once possessed by the old Sub-Court at Tellicherry and afterwards transferred to the District Court, North Malabar, was taken away with the result that the District Munsifs in the district have had to deal with this additional work since 1902?

The Hon'ble Mr. Hammick :—

- I. The District Judge of North Malabar was relieved of the small cause work of the district at the instance of the High Court. This no doubt caused some additional work to the District Munsifs. The High Court have since issued orders for a redistribution of the work among the District Munsifs of North Malabar which will, it is hoped, remove any difficulties that may have occurred.

The Hon'ble M. KRISHNAN NAYAR :—

- II. Will the Government be pleased to state what is the net saving from civil litigation in the district of North Malabar during the last three years?

The Hon'ble Mr. Hammick :—

- II. As the High Court does not receive any return showing the receipts and charges of each civil court separately, the Government are unable to give the information required.

The Hon'ble M. KRISHNAN NAYAR :—

- III. Having regard to the increase in the number of pending suits and heavy congestion of work in the District Munsifs' Courts in North Malabar will the Government be pleased to re-establish permanently a Sub-Court at Tellicherry which would give relief to both the District Judge and the District Munsifs, or at least establish an additional District Munsif's Court at Tellicherry or any other suitable place in the district with a view to relieve the work of the District Munsifs?

The Hon'ble Mr. Hammick :—

- III. The High Court having only recently issued orders for the redistribution of the District Munsifs' jurisdictions in the district of North Malabar, the Government do not think that any steps should be taken in the manner suggested by the Honourable Member.

The Hon'ble M. KRISHNAN NAYAR :—

- IV. Will the Government be pleased to state—

- (a) In how many instances were lands sold for arrears of Government revenue in the Wynaad taluq in the district of Malabar after the new settlement?
 (b) What is the total number of acres so sold?
 (c) In how many of these sales did the Government become purchaser for want of bidders?
 (d) What is the total area in acres of the land so purchased by the Government?
 (e) Whether there was any instance in which the amount of the bid was less than the revenue imposed upon the land?
 (f) In how many instances, if any, has this happened?
 (g) Whether there were instances, after the recent settlement, in which property once sold for arrears of Government revenue was again sold for default in paying the Government revenue committed by the new owner?
 (h) How many such instances, if any, are there?

The Hon'ble Mr. Atkinson :—

- IV. In the fifteen years since the settlement of the Wynaad taluq there have been 4,383 sales of land for arrears of revenue. The area sold amounted to 30,050 acres, of which 18,030 acres were bought in by Government. The other particulars asked for by the Honourable Member are not available.

The Hon'ble M. KRISHNAN NAYAR :—

- V. Since the land revenue has considerably increased, and seeing that the due payment of the revenue and the well-being of the people depend mainly upon the prosperity of the agricultural classes, will the Government be pleased to open an experimental farm in Malabar and employ agricultural experts to teach the cultivators improved methods of cultivation by example and precept?

The Hon'ble Mr. Atkinson :—

- V. Government cannot undertake to open a farm in Malabar, where, owing to the peculiarities of the climate and methods of cultivation, the usefulness of such a farm would probably be less than in any other district.

The Hon'ble M. KRISHNAN NAYAR :—

- VI. Will the Government be pleased to open similar experimental farms and employ agricultural experts at convenient centres in other districts as well?

The Hon'ble Mr. Atkinson :—

- VI. Experimental farms are now working at Bellary, Koilpatti and Samalkot: and it is hoped that two more will soon be opened—one at Coimbatore and one in the Deccan districts. The Honourable Member is referred to G.O., No. 1324, dated 21st December 1903, which has been placed on the Editors' table.

The Hon'ble M. KRISHNAN NAYAR :—

- VII. Will the Government be pleased to reconsider the order passed with reference to Mr. Chatterton's scheme and establish 150 or about 100 schools on the lines suggested by him?

The Hon'ble Mr. Atkinson :—

- VII. Government are not prepared at present to do more than has been sanctioned in G.O., No. 1333, dated 23rd December 1903, which has been placed on the Editors' table. It is obviously necessary to begin by experiments in a small way before embarking on a scheme involving an initial cost of 15 lakhs and of problematical utility. Many difficulties incidental to the undertaking have still to be ascertained and overcome.

The Hon'ble M. KRISHNAN NAYAR :—

- VIII. Will the Government be pleased to direct that one of the five agricultural experimental stations recently sanctioned be located in the Periyar tract?

The Hon'ble Mr. Atkinson :—

- VIII. The five stations selected after careful consideration for the conduct of the experiments are Kadayampatti, Saidapet, Hagari, Cuddalore and Manamadura. The Government are unable to sanction a station in the tract irrigated by the Periyar water; but the Manamadura station is within a very few miles of that tract, and being in a central situation and accessible will, the Government trust, prove of much educative value to all the ryots of the Madura district.

The Hon'ble M. KRISHNAN NAYAR :—

- IX. Is it a fact that the Government have received a memorial from the landholders of the Coendapoor taluq, South Canara district, with reference to the revenue settlement in course of introduction into that taluq?

The Hon'ble M. KRISHNAN NAYAR:—

X. If the Government have received such a memorial, will the Government be pleased to state what action they have taken on the memorial?

The Hon'ble Mr. Atkinson:—

IX & X. Government have received a memorial from some of the landholders of the Coondapoor taluq. It has been referred to the Board of Revenue for report, on receipt of which orders will be passed.

The Hon'ble M. KRISHNAN NAYAR:—

XI. (a) Will the Government be pleased to state how many appeals were preferred to the Board of Revenue against the decisions of the Settlement officers in connection with the new settlement in the Malabar and South Canara districts?

(b) How many of these appeals, if any, were rejected summarily?

(c) Out of those that were not rejected summarily, how many, if any, were sent for report to the Settlement officers whose decisions formed the subject-matter of these appeals?

(d) Did the Board of Revenue dispose of these appeals only on the reports of the Settlement officers who originally decided the cases or any other material in addition to these reports?

(e) If there was any material in addition to the reports, will the Government be pleased to state what it was?

The Hon'ble Mr. Atkinson:—

XI. Up to date 329 appeals have been received from Malabar and 1,073 from South Canara. Details are not available: but it is reported that hitherto summary rejection has been very rare. All appeals not summarily rejected were sent for report to the Settlement officer in charge of the party, who, however, was not necessarily or usually the officer whose decision formed the subject-matter of appeal. The appeals were disposed of on the report of the Settlement officer in charge of the party.

The Hon'ble M. KRISHNAN NAYAR:—

XII. Is it a fact that in many instances in Malabar and South Canara Government revenue as shown in the "rough pattas" issued to land-owners in connection with the recent settlement has been actually collected from the pattadars before the issue of final pattas to them?

The Hon'ble Mr. Atkinson:—

XII. It is a fact that in some instances collection was begun on the basis of the figures shown in the rough pattas. The final adjustment, if any, was necessary, was made in the ordinary course at the jamabandi.

The Hon'ble M. KRISHNAN NAYAR:—

XIII. (a) Is it a fact that the three toll-gates within a distance of eighteen miles situated on the road between the village of Kondotti and Calicut town in the district of Malabar, referred to in question No. IV by the Hon'ble Mr. G. Srinivasa Rao on the 20th November 1903, have again been sold for the year 1904-1905?

(b) If the toll-gates have been sold, will the Government be pleased to order the cancellation of the sales and direct that the gates may be so located as to avoid the payment of toll at more than one of them in a day?

The Hon'ble Mr. Hammick:—

XIII. (a) The Government have no information on the subject.

(b) The answer to the first part of the question is in the negative. The suggestion contained in the second part is still under consideration.

The Hon'ble M. KRISHNAN NAYAR:—

XIV. Is it a fact that the Madras Mahajana Sabha has submitted a memorial to the Government for transmission to the Secretary of State for India praying that Mr. Ramunni Menon, who is now acting as Professor of Biology in the Presidency college, be confirmed as the permanent Professor?

The Hon'ble Mr. Hammick:—

XIV. The answer to this question is in the affirmative.

The Hon'ble M. KRISHNAN NAYAR:—

XV. If such a memorial has been submitted, will the Government be pleased to make favourable recommendations to the Secretary of State for India on the subject-matter of the memorial?

The Hon'ble Mr. Hammick:—

XV. The Government are not at liberty to answer this question.

The Hon'ble M. KRISHNAN NAYAR:—

XVI. Will the Government be pleased to state what was the total amount of the income-tax collected in this Presidency during the official year 1902-1903?

The Hon'ble M. KRISHNAN NAYAR:—

XVII. Out of the total amount collected in the year 1902-1903, what was the amount of the income-tax assessed on incomes below Rs. 1,000?

The Hon'ble Mr. Atkinson:—

XVI & XVII. The total collections of income-tax during the year 1902-1903 amounted to Rs. 29.35 lakhs. The amount collected during the same period on incomes below Rs. 1,000 was Rs. 6.8 lakhs.

The Hon'ble M. KRISHNAN NAYAR:—

XVIII. What is the total amount of the income-tax collected in the year 1903-1904?

The Hon'ble M. KRISHNAN NAYAR:—

XIX. Whether there has been any, and, if so, what, appreciable diminution in the total amount of the income-tax for the year 1903-1904 compared with that of the previous year due to the raising of the assessable minimum from Rs. 500 to Rs. 1,000?

The Hon'ble Mr. Atkinson:—

XVIII & XIX. Information is not yet available.

The Hon'ble M. KRISHNAN NAYAR :—

XX. Is it a fact that the Government intend making vaccination compulsory in some parts of the Presidency?

The Hon'ble Mr. Hammick :—

XX. Vaccination has already been made compulsory in some parts of the Presidency. The question of gradually extending the area within which the operation is compulsory is under the consideration of Government.

The Hon'ble M. KRISHNAN NAYAR :—

XXI. Were about 450 persons consisting of pressmen, machinemens, ballers and type-casters of the Government Press, Madras, dismissed from Government employment by the Superintendent, Government Press? If so, was this dismissal in contravention of the rules relating to the dismissal of Government servants embodied in G.O., No. 1313, Public, dated 31st December 1898?

The Hon'ble Mr. Hammick :—

XXI. One hundred and thirty-seven press and machine men were dismissed on the 2nd January 1904 for refusing to work overtime. These men were given due notice that the changes in the rules as regards overtime would be enforced on the first working day in January, and they declined to accept them. From the 10th of November these men had refused to work overtime to the great inconvenience of the press. The Superintendent gave the men full notice that this would not be allowed from the new year; and, under the rules of the press, he was perfectly justified in refusing to permit the men to work any longer in the press.

The binders (125) refused to work unless they were given one hour for tiffin instead of half an hour and they also asked for the grant of the casual leave, which was stopped under the new rules, all overtime being paid for as a concession to the men. Throughout the morning of the 2nd January these men refused to work; they were told that if the tiffin time was extended by half an hour they would have to add the half hour on to their working hours. This they refused to agree to. In consequence they were turned out.

The type foundry men, 63 in number, followed the binders and were similarly turned out.

The rest of the men were temporary men.

The rules referred to by the Honourable Member do not, of course, apply to a strike of operatives who are acting in combination to defy authority.

The Hon'ble M. KRISHNAN NAYAR :—

XXII. Has this dismissal led to considerable delay and inconvenience in getting Government papers printed in the Government Press?

The Hon'ble Mr. Hammick :—

XXII. Yes.

The Hon'ble M. KRISHNAN NAYAR :—

XXIII. Is it a fact that, by reason of their sudden dismissal, these 450 persons and their families depending on them have been reduced to great straits?

The Hon'ble Mr. Hammick :—

XXIII. The Government have no information on the matter.

The Hon'ble M. KRISHNAN NAYAR :—

XXIV. Have these 450 persons submitted a petition to Government against the action of the Superintendent, Government Press?

The Hon'ble Mr. Hammick :—

XXIV. Yes.

The Hon'ble M. KRISHNAN NAYAR :—

XXV. Will the Government be pleased to favourably consider their petition if it has not been already disposed of?

The Hon'ble Mr. Hammick :—

XXV. Before the petition was submitted to Government the Acting Chief Secretary saw representatives from the men and discussed the position with them in the presence of the Superintendent, Government Press. The men refused to accept the new rules of work and declined to work overtime and in consequence they could not be re-entertained. Orders were subsequently issued on the petition.

The Hon'ble M. KRISHNAN NAYAR :—

XXVI. Is it a fact that by reason of the dismissal of these persons Government printing work at Madras had to be done by the Government Presses at Simla and Calcutta?

The Hon'ble Mr. Hammick :—

XXVI. Yes.

The Hon'ble M. KRISHNAN NAYAR :—

XXVII. Has this arrangement of getting the work done in Simla and Calcutta involved great inconvenience and additional cost to Government?

The Hon'ble Mr. Hammick :—

XXVII. Some inconvenience has been caused. It is impossible as yet to say whether or not there will be additional cost.

The Hon'ble M. KRISHNAN NAYAR :—

XXVIII. Did the Government make a promise in 1893 to appoint a member of the Provincial Service as Under Secretary to Government and, if so, will they fulfil that promise when the next vacancy occurs?

The Hon'ble Mr. Hammick :—

XXVIII. No such promise has ever been made. It is presumed that the Honourable Member refers to notification No. 483, Public, of the 16th December 1892, under which one post of Under Secretary to Government has been declared to be an appointment "to which members of the Madras Provincial Civil Service can properly be appointed subject to the rules for the time being in force under 33 Vic., cap. 3, sec. 6."

The Hon'ble M. KRISHNAN NAYAR :—

XXIX. (a) With reference to G.O., No. 169, Educational, dated 11th March 1904, directing that none of the candidates who appeared for any of the Special Test examinations held in October last shall be held to have satisfied the examiners, will the Government be pleased to state whether they will refund the examination fees to those candidates who, the Government may be convinced, are not connected with the frauds practised in connection with the examination papers?

(b) Will the Government be pleased to take into their favourable consideration the case of those innocent candidates whose official position and prospects are dependent on the results of the last examinations and who would materially suffer by reason of their not having passed the examinations this year?

(c) Will the Government be pleased to hold special examinations in substitution of those that have been already cancelled?

The Hon'ble Mr. Hammick :—

XXIX. The answer to (a) and (c) is in the negative. As regards (b) Government are considering how to deal with such candidates.

The Hon'ble G. SRINIVASA RAO :—

XXX. The Government having cancelled the Special Test examinations held in October 1903, will the Government be pleased to order the refund of the fees collected from the candidates or exempt from fees those who may come up again for the same tests?

The Hon'ble Mr. Hammick :—

XXX. The Honourable Member is referred to the answer given to the preceding question of the Hon'ble M. Krishnan Nayar.

The Hon'ble G. SRINIVASA RAO :—

XXXI. Madura being a more enterprising centre of weaving industry with larger weaving population than Salem, will the Government be pleased to establish the proposed weaving school at Madura in accordance with the suggestion of Mr. J. W. Coombes, Weaving Assistant, School of Arts, in preference to the proposal of Mr. A. Chatterton to locate the school at Salem?

The Hon'ble Mr. Atkinson :—

XXXI. The proposal to establish a weaving school outside Madras town has, for the present, been withdrawn. If it is renewed, the selection of the locality in which it can best be placed will receive due consideration.

The Hon'ble G. SRINIVASA RAO :—

XXXII. Has the attention of Government been called to the observation of the Acting Joint Magistrate of Nandyal in the murder case against the village munsif of Maddikera reported in the *Hindu* of 2nd February 1904 and will the Government be pleased to take notice of the alleged irregularities of the Police and the Taluq Magistrate commented upon by Mr. J. W. Hughes, I.C.S.?

The Hon'ble Mr. Hammick :—

XXXII. Government's attention was drawn to the matter, which is one for disposal by the local authorities. The Government consider that there is no need to call for any report.

The Hon'ble G. SRINIVASA RAO :—

XXXIII. (a) Is it a fact that in the L.T. Degree examination a fee of Rs. 15 is paid for the theoretical part and a similar fee for the practical part?

(b) Is it also a fact that a candidate who cannot appear for the practical portion because of his failure in the theoretical is not given back his fee on the practical part?

(c) The two portions being distinct, will the Government be pleased to order the refund of the moiety of the fee paid for the practical portion to the candidates who are not allowed to appear for that part in consequence of their failure in the theoretical portion?

The Hon'ble Mr. Hammick :—

XXXIII. The facts appear to be as stated. As regards the third part of the question any proposal to alter the present course of business would properly originate with the Senate of the University.

The Hon'ble G. SRINIVASA RAO :—

XXXIV. Will the Government be pleased to lay on the table a statement showing—

(1) the number of security cases filed before the magistracy in the district of Tinnevely for four years before and after 1899;

(2) the number of cases wherein the parties were bound over; and

(3) the number wherein the parties were discharged on appeal or in revision?

The Hon'ble Mr. Hammick :—

XXXIV. A statement will be prepared and laid on the table, but it is unlikely that the particulars asked for under heads (2) and (3) will be available.

The Hon'ble G. SRINIVASA RAO :—

XXXV. (a) Is not one of the Under Secretaryships to Government an appointment reserved for the members of the Provincial Civil Service?

(b) Is it a fact that since 1893 this appointment has not been conferred upon a member of that service?

(c) If so, will the Government be pleased to give it to a member of the Provincial Civil Service when the earliest opportunity turns up?

The Hon'ble Mr. Hammick :—

XXXV. The question has already been answered in reply to the Hon'ble M. Krishnan Nayar.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXVI. Has the attention of the Government been drawn to a letter in the *Hindu* of the 24th December last and entitled "A subject for the Congress" and to another in the issue of the 16th January 1904, headed "Confidential communications", and to the leaderettes in the issue of the 20th January on the same matter, as also to an article headed "Subordinate Government services and pensions" in the issue of 8th March 1904?

The Hon'ble Mr. Hammick :—

XXXVI. No.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXVII. (a) Will the Government be pleased to state the existing rules on the subject of confidential reports affecting unfavourably the character and prospects of promotion of public servants?

(b) Are the reports ever acted on, or taken notice of, without an opportunity being afforded to the subordinate concerned to state his case in defence?

(c) Will the Government be pleased to rule that no confidential reports affecting the character or prospects of promotion of any public servant shall be acted upon, or kept on the record, without sufficient opportunity being afforded to the subordinate concerned of stating his case in defence and without the issue of proceedings recorded thereon being communicated to him?

The Hon'ble Mr. Hammick :—

XXXVII. All the information which can properly be given on this subject is contained in the various departmental Codes, Regulations and Standing Orders which are available to the Honourable Member.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXVIII. In enquiries into charges against public servants, will the Government be pleased to state whether during the progress of an inquiry confidential reports or secret documents of any kind withheld from accused are taken into consideration in the decisions, and, if so, will the Government be pleased to declare themselves against the practice?

The Hon'ble Mr. Hammick :—

XXXVIII. The answer to the first part of the question is in the affirmative, and the Government see no reason for making the declaration asked for by the Honourable Member.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXIX. (a) Are the principles and rules of procedure approved of by the Government of India and republished in Madras G.O., No. 2290, Public, of 3rd December 1883, and embodied in the Board's Standing Orders, duly followed in the several departments of the Government?

(b) Have the Government received any representations to the contrary within the past five years, and, if so, in how many cases?

(c) In how many of such cases were the representations found to be real, and what relief, if any, was given to the affected party in each case and what action taken against the enquiring officers who offended against the rules?

The Hon'ble Mr. Hammick :—

XXXIX. (a) It is the desire of Government that they should be duly followed.

(b) Almost every appellant alleges that his case had not been disposed of according to the rules, and the Government do not consider any advantage would be gained by examining all the appeals filed in the last five years, to answer the Honourable Member's question.

(c) In every case where it appears that the rules have not been duly observed inquiry is made and if necessary the appellant obtains redress, and the attention of the officer who originally disposed of the case is drawn to his neglect to observe the rules.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XL. (a) Is it a fact that the people of Satyavizianagaram in Arni division, North Arcot district, were ordered in February last to evacuate that village in consequence of a case of plague alleged to have occurred there?

(b) Will the Government be pleased to specifically direct that in all cases where evacuation is ordered temporary camps or lodging houses be provided for the people bound by the order before effect is given to it?

The Hon'ble Mr. Hammick :—

XL. (a) The answer is in the affirmative.

(b) The Honourable Member's attention is drawn to Rule 72 (3) of the Plague Regulations published on page 80 of *Fort St. George Gazette*, Part I-A, of 16th February 1904, in which it is provided that such arrangements as the Collector thinks fit shall be made before evacuation, for the accommodation, in a health camp or elsewhere, of those who may be unable to provide shelter for themselves.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLI. (a) With reference to the order of the Government, No. 169, Educational, dated 11th March 1904, will the Government be pleased to lay on the table the papers relating to the inquiry, if any, on which the said order was made inclusive of the evidence taken at the inquiry and the report of the officers who conducted the inquiry?

(b) Is it the case that great hardship has been caused by the above order to the large majority of the candidates that appeared at the Special Test examinations held in October last who cannot be taken to have participated in any fraud therein?

(c) Will the Government be pleased to direct that no fee be levied for appearance at the next Special Test examinations from candidates that have appeared at the examinations in last October and that are not shown to have in any way participated in the fraud relating to it?

(d) Will the Government be pleased to direct that as a special case Special Test examinations be held in May 1904 at which candidates that appeared in the examinations in October last may be allowed to appear?

The Hon'ble Mr. Hammick :—

XLI. (a) The answer to this part of the question is in the negative.

(b), (c) & (d). The Honourable Member is referred to the answer to question XXIX put by the Hon'ble M. Krishnan Nayar.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLII. (a) Whether the proprietor of the Berikai estate is a ward of the Court of Wards?

(b) Whether he was allowed to live in Bangalore and have his education there?

(c) Whether he has now been removed from Bangalore to Newington at Madras, and, if so, why he has been so removed?

(d) Whether the ward has been recently initiated into "Lingam puja" and whether he does not require Lingayat priests to attend upon him to enable him to perform the puja?

(e) Whether it is true that the ward cannot take cooked food, unless he performs the puja?

(f) Whether any arrangement has been made at Newington for Lingayat priests to attend on the ward when he has to perform the puja?

(g) Whether complaints have been received of the ill-treatment by Mr. Morrison, of the ward, and, if so, what has been done on these complaints?

The Hon'ble Mr. Atkinson :—

XLII. (a) & (b) Yes.

(c) Yes, because it was considered advisable.

(d) & (e) Government understand that the facts are as suggested by the Honourable Member.

(f) Yes.

(g) No complaints have been received by Government.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLIII. With reference to appendix VI to the resolution of the Board of Revenue, Madras, No. 542, dated 6th December 1900, published at page 241 of the "Indian Land Revenue Policy", will the Government be pleased to lay on the table the papers and the details on which the estimates therein given are based?

The Hon'ble Mr. Atkinson :—

XLIII. The appendix referred to is sufficiently explained in paragraphs 69 and 70 of the Board's resolution, printed on pages 220 and 221 of the "Land Revenue Policy of the Government of India". Government are unable to comply with the Honourable Member's request.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLIV. (a) Is it the fact that the Superintendent of the Government Press, Madras, dismissed the pressmen, machinemen, binders and type-casters of the press, numbering about 450, on the 2nd January last?

(b) Will the Government be pleased to state whether, before dismissing the 450 men, the Superintendent conformed to the orders of the Government of India and the Local Government regulating the dismissal of public servants? If the answer be in the negative, why was the procedure laid down in the above orders departed from in the case of these men?

(c) Is it true that the pressmen and the machinemen submitted a memorial to the Chief Secretary to Government representing certain long-standing grievances and praying for immediate redress in February 1903?

(d) Is it true that no orders were passed thereon till 20th December 1903?

(e) Is it true that, consequent on the order of the 20th December 1903, the pressmen, machinemen, binders and type-casters of the Government Press represented to the Superintendent of the Press on the 31st idem that under the new system of working indicated in the order of the 20th December 1903 their position would be affected in many ways, that many technical difficulties would present themselves in giving practical effect to that system, and that they found it necessary to make a further representation to the Chief Secretary?

(f) Is it true that the Superintendent held a long conference with several of the workmen on the morning of the 2nd January 1904 relative to the representations made by them on the 31st December 1903?

The Hon'ble Mr. Hammick :—

XLIV. (a) & (b) The Honourable Member is referred to the reply given to Question XXI.

(c) Yes.

(d) Yes.

(e) It is true that the men made representation to the Superintendent, Government Press, on the 31st December, and the Superintendent of the Government Press explained the new system to the men and said it was impossible to postpone the introduction of the new rules as the men had refused to work any overtime since November 1903.

(f) Yes.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLV. (a) Will the Government be pleased to state whether it is a fact that the pressmen, machinemen, binders and type-casters of the Government Press refused to do their work on the morning of the 2nd January last?

(b) If the refusal be true, will the Government be pleased to state how, when, by whom and under what circumstances was the refusal expressed?

(c) Did the Superintendent take down in writing the statement of any of those who so refused?

(d) Was any explanation in writing regarding the refusal to do work demanded by the Superintendent, or offered by any of the dismissed workmen previous to their dismissal?

(e) Will the Government be pleased to state what arrangements the Superintendent has made since he dismissed the 450 and odd men on the 2nd January 1904 to replace them by others to cope with the work of the Press?

(f) If any new hands have been employed, will the Government be pleased to state the conditions as to salary, etc., under which they have been employed and also as to whether the task-work system and the restricted mid-day interval of half an hour applied to them?

(g) If the answer to the latter part of the above question be in the negative, will the Government be pleased to state why those two conditions are not enforced with regard to the newly entertained men?

The Hon'ble Mr. Hammick :—

XLV. (a) The Honourable Member is referred to the reply already given to Question XXI.

(b) The men refused to work except upon their own terms.

(c) No.

(d) No.

(e) The Superintendent has by employing fresh hands and getting work done by private presses managed to carry on the work of the press.

(f) The half-hour rule for tiffin has been modified, as the men know, and the time allowed for tiffin is one hour, with the condition that the men work half-an-hour longer at the end of the day. The task-work system has not been introduced with the new hands.

(g) The men are entertained for a short period and have come from a distance on special terms. So it was not advisable to enforce the new rules with them.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLVI. (a) Will the Government be pleased to state whether the task-work system as ordered to be adopted by the Government Order of 20th December 1903 is in force in the Government of India Central Printing Press at Calcutta, the Bengal Secretariat Press, Calcutta, the Bombay Government Press, the Allahabad Government Press, or the Rangoon Government Press?

(b) Will the Government be pleased to state whether it is a fact that for the past three months a large portion of the Government printing work that used to be done at Mint Buildings is being done at about a dozen local private presses, and at the Government Presses at Calcutta, Simla and Bombay?

The Hon'ble Mr. Hammick :—

XLVI. (a) The Government of India Central Printing Press, Calcutta, works on the piece-work system. The Secretariat Press, Bengal, does the same. The Government Press, Bombay, works on the task-work system. The Government Press, Allahabad, does the same; and in the Rangoon Government Press the Government of India's piece-work system has been prescribed but has not yet been introduced.

(b) Some printing work has been done during the past three months at the presses referred to in the Honourable Member's question.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLVII. (a) Will the Government be pleased to state whether the endowments in connection with Annadana Chattrams in Oratanad, Rajamadam and Nidamangalam in the Tanjore district were originally intended also for the dissemination of Sanskrit education, and, if so, will the Government be pleased to state whether such education is being given now, and, if not, will the Government be pleased to take steps to have Sanskrit education given in conformity with the objects of the original endowments?

(b) Is it the fact that the management of Annadana Kattalai Charities attached to the Tiruválur temple in the Tanjore district was transferred to the Ajapa Pandara Sannidhi on the distinct understanding that a Sanskrit patasala should be maintained, and, if so, whether that condition is now fulfilled, and, if not, will the Government be pleased to take steps to have such a patasala maintained in proper order?

(c) Is it the fact that there are certain endowments attached to the Devastanam patasala at Kumbakonam and the Sanskrit patasala at Ammalagrabaram in the Tanjore district? If so, what is the average annual income from such endowments, and is such income utilised for those patasalas, and, if not, will the Government be pleased to frame a scheme by which the whole income from the endowments can be properly utilised for the maintenance of those patasalas?

The Hon'ble Mr. Hammick :—

XLVII. The Government have no information on the subject.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLVIII. Will the Government be pleased to state the steps, if any, taken to improve the indigenous Sanskrit schools since the appointment of the special Sub-Assistant Inspector of Sanskrit schools?

The Hon'ble Mr. Hammick :—

XLVIII. The Sub-Assistant Inspector of Sanskrit schools has made three tours and has visited all the Sanskrit schools in the Presidency once and some of them twice. In the course of his tours he has made suggestions to the pandits regarding the method of studying Sanskrit with a view to the improvement of the schools.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLIX. With respect to the remarks of the late Director of Public Instruction at the last budget meeting that the institution of the Inspector of Sanskrit schools was an experiment, and that he thought it was impossible to do much with these schools without destroying their characteristics, will the Government be pleased to state on what the remarks of the Director were based?

The Hon'ble Mr. Hammick :—

XLIX. The remark of the late Director appears to have been an expression of his personal opinion.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

L. Will the Government be pleased to state whether there is any inspection made with reference to the teaching of Sanskrit in schools and colleges wherein the English language is taught?

The Hon'ble Mr. Hammick :—

L. The results of the teaching of Sanskrit in schools and colleges where the English language is taught are tested at the various examinations in Sanskrit for which the students of Sanskrit present themselves.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

LI. Will the Government be pleased to state whether there is any recognised examination or other test to determine the eligibility of pandits for grants, and if not, will the Government be pleased to institute one?

The Hon'ble Mr. Hammick :—

LI. There is no special examination to test the qualifications of pandits. A scheme for the establishment of a pandit's examination was submitted by the Director of Public Instruction in 1900, but was not considered suitable. The matter will now be referred to the Director of Public Instruction for further consideration.

The Hon'ble R. N. PRAKASA MUDALIYAR :—

LII. What was the number of people who paid tax on incomes (other than salaries) ranging between Rs. 500 and Rs. 1,000 in the year immediately preceding the reduction of the taxable minimum, and what is the number of those who being entitled to exemption under the reduction were assessed on higher incomes during the year 1903-1904?

The Hon'ble Mr. Atkinson :—

LII. The number of assesses who paid tax on incomes (other than salaries) ranging between Rs. 500 and Rs. 1,000 in 1902-1903 was 49,131. No figures can yet be given for 1903-1904.

FINANCIAL STATEMENT.

The Hon'ble Mr. J. THOMSON, C.S.I., in explaining the annual Financial Statement of the Government of Madras for the year 1904-1905, said:—May it please Your Excellency,—It would be too much to believe that the Financial Statement explains itself to whoever has taken the trouble to peruse it, though the endeavour has been made to set forth the doings and intentions of Government over the disposal of the funds under its control as fully and definitely as possible. Figures are not attractive to many minds and finance is never so when it exhibits a deficit. Fortunately for you and the country and still more so for whoever is charged with the care of its finances, the present and the past two years have caused us no worry over the

wherewithal to meet obligations; on the contrary, we have been much exercised how we might best make use of the large grants which the Supreme Government were so frequently bestowing upon us. Because this is so and because no one ever accepts my invitation to ask for further information, I might perhaps assume that there is no large desire for further enlightenment. It is well, however, to follow custom in this regard and I shall endeavour to be as brief as possible.

The first matter is the revised estimate for the year that is past though its accounts will not be closed for some time. Appendix A shows that when adjustments and opening balance are excluded the year's revenue is likely to be 329.29 against a budget estimate and actuals in 1902-1903 when similarly treated of 321.19 and 323.96 respectively. These are the incomes proper to the particular years before they become obscured by doles, grants, fixed assignments or balances; and it appears thereon that 1903-1904 will have an income larger than 1902-1903 by 5.33 even though the latter was a good year. Our estimates were notably in error under Land Revenue and under Excise; the season has been kinder than we considered we had the right to expect and, even so, the advance under Excise has been phenomenal; but moderation in estimating income is a virtue in India as elsewhere. The decreased income under Assessed taxes or Income-tax arising on the remission granted a year ago was not difficult to compute, but here also prosperity has been with us—not, I think, as some have said, because the tax-gatherer could not bear to relinquish what was not justly due.

When we turn to expenditure it is found that, while we shall exceed that of 1902-

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1903 by 3.06, we are short of our original purposes by 4.31. The brief and simple

explanation of this is that, while there is no difficulty in knowing or indicating in a general way where reform or increased expenditure would be beneficial, the settling or perfecting the ways of setting about the reform or getting full value for funds provided or finding the necessary working instruments is not easy nor simple; and in a country like this and under a course of past administration which of necessity was frugal, the requisite establishments are not obtainable without a large loss of time. We are not singular in this regard: His Excellency the Viceroy has referred to the matter in his budget speech when dealing with Irrigation. One result is certainly not unhappy—we have been able to do something for bankrupt or impoverished local bodies, a privilege which has for long been too much in abeyance.

In natural order, the next matter for consideration is the new Provincial Settlement. The rationale, the purposes, principles, details and limitations of it have been set before you in the Government of India's own words, and, speaking for myself, I find nothing therein to which any reasonable man is justified in taking exception. The division of revenue has been arrived at after long observation and experience and large and careful consideration of the needs of the Imperial and the various subordinate Governments: so far as Madras is concerned the deviations from the principle of dividing revenues into one-quarter and three-quarters have been in our favour, we are provided with a large nest egg for use in certain impending special necessities, and certain others, by no means trivial, will, it is promised, be also financed by the Supreme Government when the time comes. Finally, as much permanence as can be guaranteed to any arrangement, which as human is necessarily open to error, has been promised, for variation will be open only when a course of years has established unfairness in the compact to one or all concerned or when the Supreme Government has itself to find the means of living and serving its proper purpose. Permanence or greater fixity of interest in the revenues—rather the growing revenues—is a matter that the Madras Government has been claiming and straining after for years as a *sine qua non* of satisfactory development, and it is a great point gained when the principle has been recognised and accepted by the Government of India. A wise expenditure is ordinarily necessary to produce an increased revenue, but there was no room to perfect or undertake schemes involving increased expenditure when that had to be undertaken out of a growth or savings limited to five years and when at the end of that time the Supreme Government reserved to itself the right to resume accumulations.

The negotiations between the Supreme and Local Governments over this matter have covered the most of the past year. It was the duty of this Government in dealing with the several items of income and expenditure to find and exhibit the nature, tendency, normal condition, prospects and peculiarities of each; and I, upon whom the brunt of this work did not fall, am free to declare that the industry, thought, care,

thoroughness and fairness which Government and its subordinates brought to bear on this difficult and momentous task merit the grateful appreciation of the Presidency. It is fortunate for us that the Supreme Government were in a position to be liberal, not to say generous; unimpeachable reasons ought always to be adduced before asking any one in the position of a steward of the public to open his purse strings, and it is unnecessary to say that much depends on the proper presentation of a case and on those by whom it is presented and supported. In these respects the Presidency has been most happily served.

The detailed figures that the Government of India have accepted for settlement purposes as revenue and for expenditure will appear from the paper placed before you. These take virtue or lose it on their amounts. The prosperity upon which we congratulate ourselves at the present time has a large element of danger when settlements are in the air, for it is a canon of the Financial Department that income and expenditure should largely be based on the revised estimates of the year. Accordingly, when the flood tide is on and land revenue is rolling up from 521 to 556 to 559 to 584 to 582 and excise from 134 to 135 to 143 to 156 to 175, and this is primarily due to excellent seasons, it is inevitable that a time must come when the tide will ebb and whoever sails too near high water-mark will be stranded. Some will be found to say that those two items of income have been pitched at too high a figure for safety. As between them they make up some eight-elevenths of our growing income, it will be a serious disaster for us if they grow less instead of more. The remaining heads are all very fairly estimated and are not open to any adverse criticism.

On the expenditure side Land Revenue was taken at a figure in excess of what we suggested. There will be many demands upon it presently, but the initial grant of 20 for special surveys is all in our favour. I should have liked to see a larger figure under Superannuation Allowances and Pensions for that has been increasing rapidly of late years. Under Public Works the provision is not illiberal having regard to the past. For such irrigation as may flow from the Commission's investigations and for police and educational reforms that are now imminent the settlement does not profess to make provision, but the Government of India recognises that contributions by it towards these improvements may be found desirable. Plague as a cause of expenditure does not enter into the settlement estimates. They also make no provision for grants-in-aid of Municipalities; when such are permissible funds must be found in surpluses when such exist.

The total of normal expenditure as recognised by the Government of India is 350.48. The total of normal income is 290.82. To bring these into equilibrium 59.66 is provided as the fixed assignment or adjustment. Under the last settlement this figure stood at 16.46, the total of assigned revenue was 294.19 and the total revenue was accordingly 310.65 to meet an expenditure estimated as of that amount, but which for the next five years was 331, 320, 332, 328 and 335 with contemporaneous incomes (after deduction of special assignments) of 316, 326, 314, 324 and 331. For the whole period and up till now we have lived in apparent solvency and respectability only by the grace and favour of the Imperial Government. We have had more given us in the last three years than we could properly deal with. Now with a recognised expenditure sheet of at least 350.48 and an income taken at that sum, which it is to be hoped will not fall far below it, with the recognised wants and improvements which the Supreme Government means to supply or help us in supplying, and with 96.87 to our credit, we may set out on a new lease of life with some knowledge of what we may or can do as administrators and of what we have some right to expect as the result of our labour and expense, but also and most appropriately with a very deep sense of thankfulness to the Government of India for making State life and labour so much less dreary and so much more clearcut and hopeful. It is true we are still at the mercy of the seasons but so is every Government in India, and if the lean years must come we shall not fare as in the past when there was absolutely nothing to economise upon.

We may now review briefly the proposals for the year that has just opened. Under the reduced shares of revenue that will now come to us we expect to receive 303.99 as against 329.29: the new fixed assignment of 59.66 added makes up 363.65 and 96.87 of a balance over from last year a grand total of 460.52. The main minor head which is supposed to increase is Land Revenue, the causes of which are given in the Statement; XXI. Scientific and other Minor departments is less by 2.75, because we have done with

aluminium. X. Registration stands now at double what it used to be, because it is now an asset in full and not shared. The other items of income do not call for remark. I do not conceal from you that the estimate is, to my mind, sanguine.

Expenditure will most interest you. Under 3. Land Revenue, 11. Forest and 12. Registration, we provide 39 for the rearrangement of Gódvári and Kistna districts—a further sum of 13 is distributed under other appropriate heads—and we proceed to draw against the special assignment made us for survey and settlement purposes. Salt and Customs disappear, as wholly Imperial; the charges under Stamps, Assessed Taxes and Forest are altered to suit the altered distribution of income, and we pay for the whole under Registration. Under 19-A. Courts of Law there is a considerable increase both for courts and for improving the establishments; while under 19-B. Jails, Manufactures and Dietary charges are restored to the normal and the *status* of certain jails may have to be raised. Several items of which plague is not a small one bring Police up to 1.13 over the past year's revised estimate.

Under 22. Education many reasons or explanations are given why expenditure in 1903-1904 has been so much under what was intended, the gist of them being that schemes required Home sanction, men had to be found; and maturer consideration induced doubts of the wisdom of what was once intended. It is not a simple matter to engineer the wise spending of eight lakhs additional for a department that has been spending only seventeen or eighteen and is organised accordingly. The provision for the current year practically continues the total purposed for the past year, dropping model primary schools and increasing grants-in-aid; but, as far as I can see, there will be much difficulty in introducing or in obtaining any speedy returns of value from our provision for girls' schools.

The increase under 24. Medical is fully accounted for. Under 26. Scientific and other Minor departments we purpose continuing to experiment at the School of Arts and to increase the grant under Experimental Cultivation from 16 to 77.

The causes for the variations under 32. Miscellaneous are set out at length. The provision for public works in 43. Minor Works and Navigation and 45. Civil Works aggregates 87.52 reducible by 9 entered therein for convenience against a probable spending power of 78.60 in the past year and 78.10 in 1902-1903, and it may be taken that 78 will be found sufficient for works purposed and undertaken in the ordinary course. Programmes under these heads are very unstable; the season and many other causes derange them; and unfortunately when pressing necessity arises these grants are soonest liable to reduction.

Full details have been submitted in respect of contributions: a noteworthy item is a further increase of 40 in aid of education under Local funds.

The total proposed expenditure is 380.17 minus the 9 above noted or 371.17—a considerable advance on the normal of 350.48 admitted by India and 1.18 in advance of the heaviest undertaken in the past three years. We may discount 5 of the 20.69 of difference as ultimately non-recurring under 3. Land Revenue; but unless I am quite unnecessarily distrustful of the general permanence of present income under Land Revenue and Excise, it will be necessary as the present large balances get worked off to be careful to see that a margin of optional or reducible expenditure is maintained which can be curtailed if and as necessity arises without damaging the web of necessary administration.

His Excellency the PRESIDENT:—Honourable Members, At last year's Budget meeting I made what I believe to be a new departure, so far as this Council is concerned, in the shape of review of the administration for the past year. It was very brief and imperfect and of a purely tentative nature, but I felt that something of the kind might be useful. There are but few people who have the time or the opportunity for reading the administration reports of the different departments, and it seemed to me that the non-official Members and the general public might like to have some connected and general idea of what the Government had been doing during the year past, and what their hopes and intentions were as regards the future. The Honourable non-official Members were good enough to express to me privately an altogether undeserved appreciation of my endeavour which they hoped I would repeat on future occasions. But they also expressed a hope that I would make my remarks at the beginning instead of at the end of the discussion in order that they might have the opportunity of making inquiries and suggestions based on what I might say. It is in accordance with these

wishes of my non-official Colleagues that I rise at this early stage of the proceedings to make a statement similar to that which I made last year, and I am willing to give them the advantage of speaking after me. That which I have to say must necessarily be very sketchy and incomplete, but I hope that it will not be altogether tedious and unprofitable. Those who have waded through an administration report will know how difficult is the art of compression and how often it results in a mere residue of dry bones. It is particularly difficult to describe the administrative work of a whole year when it has not been marked by any striking episodes and to generalize on the immense mass and variety of regular routine. Every busy professional man knows that success in business depends upon the care and attention which is devoted to detail and to things which by themselves seem trifling. And so it is with political administration; good government and progress result rather from conscientious attention to the small matters of every day than from the great innovations which indeed are often only necessary on account of long-continued neglect of those small matters. But methods lend themselves less to description than actions, and so it comes that I am not in a position to tell you anything very striking. The fact is that here in the Madras Presidency at the present time we are happily free from any necessity of considering heroic measures of reform or sweeping innovations. The business of Government is that of directing peaceful, but I hope, progressive, administration. It is not in this way that history is made or that Governments become renowned, but I am glad that such is the condition of affairs, and I would not have it otherwise. The existence of any necessity or demand for great reforms connotes the existence of great evils which require to be remedied, and satisfactory though it is to Governments and peoples to see great reforms carried out, it is a happier condition not to need them. I hope that I shall not be taken to be indulging in that optimism which, for reasons which I am unable to fathom, is so strongly distasteful to the exponents of public opinion in India. I do not wish to imply that all is perfectly satisfactory and that there is nothing which human intelligence can improve, or indeed to adopt any controversial attitude. But I do wish to point out that there is much in the present moral and material condition of the Presidency, for which we ought to be thankful to the Providence which shapes our destinies "rough-hew them how we will"; that

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there is occasion for cheerful hope on the part of those who pronounce opinions on public affairs rather than for the monotonous undertone of grumbling and despondency which is too often heard; and that a converse truth may well be deduced from the saying of the poet that "When wealth and freedom reign contentment fails". Now I have said that we have no need of sweeping reforms by which I mean of course radical changes in the system of administration. Let me first of all clear the ground a little as regards this point. I made that statement not merely from the Government point of view but also of course from that of the public. I am, I think I may say, a diligent reader of the newspapers; I have travelled over the greater part of the Presidency, received public representations and memorials from all classes of the community and conversed privately with all and sundry, but nowhere have I met with any suggestion that radical reforms were called for. The resolutions of the various district conferences, which I take to represent the opinions of the educated and thinking men of the community, relate with few exceptions to minor and local grievances, matters which are dealt with in the ordinary course of administration. Of these I shall have occasion to speak later on. The grievances of the general public are of an even more restricted and local nature. And so it amounts to this, that although there are a few publicists who might perhaps not agree with me and who might like to see a different order of things, there is nowhere any general public demand for reform of the large order. I can only repeat that I am glad for the sake of the Presidency that it is so, and that for my own part I am in no way covetous of the notoriety which belongs to the political reformer. But it is not to be imagined that the work of administration is at all easier in times of political quietude. On the contrary it is often more arduous and more exacting as all the ordinary affairs assume a greater importance and attract more public attention, and it becomes a matter of closely directing hundreds of minor concerns instead of one or two great ones. I can safely say that never has the burden of work which falls on all the officers of Government, from the Governor and Members of Council down to the Tahsildar and village officer, been more heavy and more exacting than it has during the past three years. Every branch of the administration has been under scrutiny and revision, and this is due not only to a period of comparative prosperity but also, and mainly, to the strong

initiative, the marvellous energy and the inspiring personal example of the Viceroy. It is extraordinary what the personal influence of a single statesman can effect in the way of increasing not only the work but also the zeal of thousands of remote subordinate officials. I can speak from considerable personal experience as I was for five years at the Colonial office, while the condition of affairs was in many respects similar to that which has existed in India during the viceroyalty of Lord Curzon. We have all been aroused to greater efforts in every conceivable direction, and the nervous energy which started from the centre of this great political and social organism has flowed to the extremities, and thence reacted again on the centre. Madras, though perhaps distant and benighted, has been affected, and this Government has been busily occupied in endeavours to make the complicated machinery of administration turn out more work of a better quality. There has been very little need for new machinery, but it has been necessary to have more vigorous stoking, more constant lubricating, more careful cleaning and closer watching. That is what we have been trying to do. Now let me try to give you some idea of what has taken place during the past year. In a country which depends mainly upon agriculture, the first concern, the constant anxiety of Government, must be as to the weather and the crops. According to the census of 1901 agriculture supports $26\frac{1}{2}$ millions or 69 per cent. of the population of the Presidency and land revenue contributes more than 530 lakhs of rupees or about 39 per cent. of the total revenue of the Presidency. During the past year, indeed during the past three years, agricultural conditions have been steadily improving. The rainfall has been above the normal in all districts except Tinnevely and the area under cultivation has been greater than the average of the preceding five years by nearly two million acres. It is, however, slightly less than the area cultivated in 1902-1903 owing to the heavy rains and floods in Godavari and Kistna. The outturn of the crops has been fair, and the prices of the staple food-grains have been below warning and scarcity rates in all districts and in some districts they are even below the normal rates.

The result has been that the ryots have been able to pay their kists with great punctuality, and at the end of January only 6.4 per cent. of the demand was outstanding as against 11.8 per cent. at the end of January 1902 and 7.7 per cent. at the same period in 1903. The receipts of land revenue would have been even greater but for the floods of November and December last which damaged crops on about 8,000 acres in South Arcot, Trichinopoly, Cuddapah and North Arcot and on a large area in the Kistna district, concerning which the detailed reports have not yet been received.

The amount of season remissions to be granted in the fasli is estimated at 5.69 lakhs, of which the major part will be on account of the damages done by the floods. Except for these floods there has been a steady increase in agricultural prosperity throughout the Presidency, and if further evidence of the improvement in the material condition of the people be sought it is to be found in the statistics of trade, commerce and finance. Post Office Savings Banks deposits have increased from 54 lakhs odd in 1901 and nearly 61 lakhs in 1902 to 64½ lakhs in 1903. The number of Joint Stock Companies, of which the majority are banks and midhis, has increased in a no less remarkable way. At the end of 1903 they numbered 444 with a nominal capital of 583 lakhs, of which 274 lakhs were paid up, whereas at the end of 1901 there were only 378 companies with a nominal capital of 544 lakhs and a paid-up capital of 243 lakhs, and at the end of 1902 the companies numbered 398 with the same nominal capital, of which 250 lakhs were paid up.

Turning next to imports and exports we find that in the past year exports to foreign countries rose from 1,200 lakhs to 1,321 lakhs, imports rose from 874 lakhs to 921 lakhs, and the excess of exports over imports rose from 326 lakhs to 400 lakhs. The coasting trade declined by 102 lakhs, but exports of Indian produce showed an increase. The collections under the income-tax have shown a proportionate increase, but I am loth to weary you with a number of figures. The increase in the consumption of country spirits, however, is so remarkable and such an undoubted evidence of prosperity that I am constrained to give you the statistics.

In 1901-1902 the consumption was 731,716 proof gallons; this figure rose in the following year to 851,224, and during the first ten months of the year 1903-1904 the consumption has been no less than 1,011,544 proof gallons, although there is no reason whatever to suppose that there has been any spread of intemperance. The

increase is merely due to the fact that the people have more money to spend on comforts and luxuries. The revival of prosperity is always accompanied by a diminishing need to sell land and this evidence of improved material conditions is also not lacking. I have not got the figures for last year, but I find that according to the documents registered under the Registration Act the value of immoveable property transferred in 1902 fell by $29\frac{3}{4}$ lakhs. I do not think that I need say any more about the improvement in the material condition of the Presidency which is manifest to all who take the trouble to look around them and for which we ought all to be deeply thankful to Providence. The duty which now devolves upon me is to show you how far Government have endeavoured to take advantage of these favourable conditions to improve agriculture and provide against less fortunate seasons.

I am forced to admit that Government have hitherto not done enough for agriculture and that there is much which ought to be done. We have been engaged in constant endeavours to remedy the omissions of the past and to lay the foundations of a broad policy of agricultural improvement. It will take time to achieve any substantial results, but I hope that we made a sound beginning during the past year by separating the office of Deputy Director of Land Records from that of Deputy Director of Agriculture. Mr. Benson who held the combined appointment, and whose experience and capacity are unique, will now be free to devote his attention solely to agricultural improvements. The necessity for the appointment of an Agricultural Chemist to the Presidency has been admitted by the Government of India and the Secretary of State, and the selection of an officer for the post is now under consideration. We have also obtained sanction to the permanent retention of the Government Botanist, and the useful work of the present holder of the post, Mr. Barber, has been very much before the public. There are at present three Government experimental farms in working order; two general agricultural stations at Bellary and Koilpatti and a third at Samalkota devoted entirely to sugarcane cultivation. Arrangements are being made to open two more agricultural stations in addition, one of which is to be an irrigation station to be devoted to experiments in the duty of water. We have also sanctioned the opening of five other experimental stations to be devoted to the study of scientific agriculture at Hagari, Cuddalore, Manamadura, Kadayampatti and Saidapet. These stations will be under the charge of Mr. Chatterton, an arrangement which I am sure you will consider most appropriate, and are intended mainly to encourage experiments in irrigation by pumping. Special steps are being taken to place at the disposal of the ryots the results of the experiments carried on at these agricultural stations, and notes on special industries such as sugarcane and plantain fibre are being translated into the vernacular for distribution among ryots in the form of pamphlets or leaflets. In the case of the sugarcane industry an officer of the Agricultural department has been specially deputed to explain to the ryots in person the proper methods of cultivating the cane. The reclamation of saline soils in certain districts is engaging our attention, and to induce ryots to carry on experiments in this direction we have sanctioned complete remission of assessment for three years in respect of such lands in Madura. These are the principal features of the year's administration in the matter of agriculture; there is nothing very striking about them, they are little more than improvements here and there, but I hope they are steps in the right direction.

Settlement was in progress during the year in Malabar and South Canara, and re-settlement in Salem and the Guntur portion of the Kistna district.

As the Salem re-settlement has been the subject of the most recent public comments, I shall take it to illustrate our methods. I am glad to see that the comments have generally been favourable, though I have seen in a single newspaper alternate praise and blame administered with greater vigour than consistency.

The public critics of settlement operations have a habit of attributing to Government a mere desire to gain more revenue, and most "zabar-dasti" methods of attaining that object, and so I am tempted to tell you exactly what was done in Salem. The Settlement Commissioner, the Hon'ble Mr. Atkinson, made several tours through the district in 1902 with the object of acquainting himself with its economic condition, and he made a point of personal interchange of views with the ryots on every possible occasion.

The Special Settlement-officer, Mr. Burn, did the same thing and eventually compared notes with Mr. Atkinson as to the result. Mr. Atkinson's special object

was to find out whether the ryots would prefer a re-classification of soils or a percentage enhancement of rates, and if the latter, what rate of enhancement they would think fair. He therefore took pains to get as many ryots as possible to meet him and to explain to them the difference between the two processes of re-classification and percentage enhancement, and then after a decent interval for comprehension and consideration he consulted them again. The ryots with very few exceptions preferred the percentage enhancement and as to rates they were prepared to give more than the Government has thought fit to take. In some places they assured Mr. Atkinson that there had been no rise in prices since the last settlement, but when the Commissioner explained how a running record was kept in the taluq office which proved them to be wrong they were always ready to accept his word on the point. The ryots said that if prices had actually risen it would be fair that half the increment should go to them and half to Government. Now as a matter of fact the taluq averages of prices have risen by about 36 per cent. for dry and 41 per cent. for wet crops during the period of settlement, and on the ryots' own admission Government might fairly have claimed half of these increments. The Settlement officers, however, after full consideration, came to the conclusion that $12\frac{1}{2}$ per cent., that is, two annas in the rupee, was a fair increment for Government to take, and we accepted their recommendation. Our decision was mainly influenced by the voice of our late Colleague, Sir Henry Winterbotham, who was so sorely maligned over the Malabar settlement, a settlement which I can say without hesitation is one of the fairest and most lenient that has ever been made.

While I am on the subjects of the land and the agricultural population, I shall do well to refer to those grievances I have already mentioned which are represented to me when I am on tour and which are ventilated at district conferences and in the press.

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With few exceptions these grievances relate to the collection of land revenue and the administration of the Forest and Abkari regulations. As regards the collection of land revenue there have been two main heads of complaint—the one relating to the remission rules and the other to the dates of kistbandi. We endeavoured to meet the complaints against the remission rules in a Government order which was issued in June 1902, but I have been disappointed at finding that the existence of that order has not become generally known. The fact is that owing to favourable seasons it has not come into play and thus, while the ryots have not learnt of its existence, we have not yet been able to gauge its effect. As there has been some repetition of the complaints which the revision of the rules was designed to remove, chiefly owing to ignorance of what has been done, perhaps I may remind you that fruitful sources of petition were abolished by the following concessions:—(1) Collective applications from ryots are now permitted; (2) written applications are dispensed with in special cases; (3) delays in submitting applications are condoned for sufficient grounds; (4) in lieu of the old rule that one-sixteenth of a normal crop should be deemed to be total loss, Collectors have been given discretion to determine what shall be considered total loss; (5) the stamp duty of one anna on each remission application has been remitted; (6) in seasons of exceptional drought remission is granted under certain restrictions for mamul wet waste and portions of wet fields not less than one acre; and (7) in exceptional seasons applications for remissions need not be awaited and the Revenue officers are expected to take the initiative. We considered the question of kistbandi very exhaustively during the past year and came to the conclusion that while there were serious practical difficulties in the way of change, the lack of unanimity as to the form which change should take rendered it undesirable. We have, however, directed the Board of Revenue to impress on all Settlement officers the importance of collecting information on the working of kistbandi under local variations in the several seasons of harvest and on the wishes of the cultivators in the matter and to notice the subject in all schemes of re-settlement. I hope that this will lead to the gradual removal of present inconveniences. I am painfully aware that none of the regulations of Government are so obnoxious to the ryots as those under the Forest Act. I think that the ryots as a body have come to understand the necessity and advantages of Forest conservancy, but they are worried by the exactions of corrupt subordinates and sometimes by a too rigid application of the necessary rules. It is difficult to find means of redressing the grievances which arise out of this state of affairs, especially as the ryots with their immemorial and ineradicable notions of "mamul" are to a great extent responsible for the corruption

of Forest subordinates and as any relaxation of rules generally results in the undue advantage of the strong and wealthy to the detriment of the weak and poor. The first stage in a definite Forest policy is the selection and reservation of the area of State forest. The end of that stage has now been nearly reached, and we are entering on the second stage, that of afforestation and exploitation. The preparation of working plans is being taken up in earnest, and in them it is intended that the fullest consideration should be given to local agricultural needs, and the supply not merely of forest produce, but of conveniences for its cheap and easy utilisation in the way of depots, roads, watering places and the like. It is desirable that this stage should be traversed as quietly as possible in order that the public, for whose advantage all efforts in this direction are intended, may see and realize that something is really being done for their benefit, and that with better understanding may come more intelligent interest, truer appreciation and above all co-operation. Meanwhile the Board and Government are endeavouring to mitigate the inconveniences and hardships of the intermediate stage of restriction as much as possible. After touring in the districts of Anantapur and Kurnool where forest grievances were rife, I asked the Forest Member of the Board, the Hon'ble Mr. Sim, to follow in my tracks and enquire closely into the matters which were represented to me. Mr. Sim has developed some ideas for the mitigation of undoubted hardships, which will shortly come before Government in the form of a resolution of the Board of Revenue. During the past two years we have disafforested no less than 4,146 acres of reserved forest, which on experience it seemed unnecessary to retain and given them up to the ryots for cultivation. Some of the cases in question were the subject of personal representation to me in the course of my tours. We have been liberal in the matter of free grants of timber to sufferers from the floods and we have framed rules on the subject of opening forests to grazing in times of famine. The administration of all fiscal laws is inseparable from a certain amount of hardship and inconvenience to individuals, and during the past year the sweet-toddy tappers of Tinnevely approached me with a memorial which I deputed the Hon'ble Mr. Bradley, the Member of the Board of Revenue in charge of Excise, to discuss with the petitioners. Mr. Bradley has in consequence made several suggestions for mitigating the severity of the rules which I hope that we shall be able to adopt. Before I finally leave the subjects of agriculture and the economic condition of the Presidency, I should like to say a word or two with regard to the Co-operative Credit Societies Act. To the Madras Presidency belongs the credit of initiating the movement which resulted in the recent legislation by the Government of India, and we are proud to think that the officer to whose profound researches and strenuous labours so much is due was of the Madras service. It is our hope that Madras will continue to take the lead in this matter and will be the first to take full advantage of the provisions of the new law. Sir Frederick Nicholson, alas, can no longer be counted among our public officials, but I rejoice to know that he has decided to make India his home for yet a while longer, and that he will still be willing to render public service by helping us in the matter of which he has unrivalled knowledge and experience.

From the material and economic condition of the Presidency the natural transition is to the moral condition of the people, and in this respect I shall confine my remarks to that which is being done in the matter of education. Here again progress is necessarily slow and we cannot point to any remarkable achievements, but I think we can claim to have prepared the way for more rapid advances. The payment in full of grants-in-aid for which funds were specially provided for the first time in 1902-1903 was maintained throughout the past year, and I trust that we shall always hereafter be able to adhere to a system which is better calculated than anything else to advance the cause of primary education. We have also framed schemes for the re-organization of Government Girls' schools throughout the Presidency which came into force this month. The chief objects of this re-organization are by raising the pay and status of the teachers in those schools to create a class of properly-trained women teachers and to prevent the teaching of girls being in male hands. In Europe and still more in America women teachers are largely employed in boys' schools, but here they cannot be obtained, as yet, even for girls' schools. In furtherance of the same idea a scheme for providing an increased number of scholarships for Hindu and Muhammadan widows was sanctioned and has thus far met with encouraging success. The administration of the Educational Department has been strengthened by the appointment of a Deputy Director, so that the Director may have more time for the important work of supervision, and the appointment of a separate Inspector for European

and Training schools is intended to foster the supply of more trained teachers. The rules of the College of Agriculture have been revised and the curriculum modified with the object of giving a more practical character to the training imparted there, and provision has been made for the employment of six passed students at as many different training schools in the Presidency. A noteworthy event of the past year was the holding of an Educational Conference at Madras which resulted in numerous recommendations for the improvement of our system, some of which have already been accepted. In the great matter of University reform which the Government of India have been carrying out, this Government was of course consulted, and we gave our opinions in all the preliminary stages which led up to the recommendations of the Universities Commission and to the Universities Act. It is a satisfaction to know that Madras had to a certain extent anticipated those reforms, and that consequently our University system needed less purging than others. I need not dwell on a matter with which all are fully acquainted, but I may say that the reduced Senate will not exclude from the active list any fellows who have hitherto played a useful part in University affairs. The privilege of electing fellows which our graduates have enjoyed since 1894 will be enhanced, for hitherto they have elected two a year and in future they will have to elect on the average more than two a year. The electorate will also be increased, for it will include graduates of ten years' standing instead of only those of twenty years' standing as heretofore. The effect of which will be that the present number of voters will be more than trebled. For the new fellows it will be a case of "the fewer men the greater share of honour," but as honour is seldom dissociated from duties and responsibilities they will also have more of those, more especially as the Act changes the main purpose of the University from "ascertaining" by means of examiners the persons who have acquired proficiency in different branches of literature, science, art, to that of "making provision for the instruction" of candidates for academical rewards and degrees; this change is fraught with great potentialities for good, but curiously enough it seems to have been overlooked by a great many critics of the Act.

In the Public Works Department increased allotments have resulted in greater activity than usual, but the main energies of the department have been concentrated on the practical investigation of those great schemes for irrigation which have been the dreams of Engineers since the days of Sir Arthur Cotton, and of all those who desire to see the chances of drought and famine diminished. The investigation of the great projects on the Tungabhadra and Kistna, of several minor projects in Nellore, the Ceded districts and South Arcot, and of the improvement of the Kurnool-Cuddapah canal cost 6½ lakhs during the past year and made good progress. The nature and scope of these projects is so well known that I should be wasting your time if I entered into details, and I shall only say that I hope we shall soon be in a position to proceed from investigation to execution. It will take many years to carry out all the works which are projected, and the difficult question for early consideration is which schemes are to be undertaken first. The question of improving the drainage of the Tanjore delta has often been raised in this Council, and during the past year we sanctioned a large scheme which had long been discussed and which is to cost over 20 lakhs. We also allotted a lakh for the commencement of the work, but owing to unforeseen engineering difficulties only a small portion of his sum could be spent. I hope that henceforward the execution of the Tanjore scheme for which we intend to make large allotments will proceed rapidly. Another matter which has often been discussed in this Council is the improvement of the conservancy establishment in the Kistna and Godavari deltas. We determined to fulfil the pledges which were given on several occasions by our predecessors, and after consulting non-official as well as official authorities we prepared a scheme designed to check the reputed corruption of the Delta Superintendents. I had hoped to be able to announce on this occasion that the reform had actually been accomplished, but we are still awaiting the final sanction of the Government of India.

In the Railway branch of the Public Works Department there has been good progress to show. Seventy-five miles of new railways were opened for traffic during the year. The extension of the Madras Railway to Mangalore is completed as far as Azhikkal, and the Travancore branch of the South Indian Railway has made such good progress that it is expected that through traffic to Quilon will be opened in August. The establishment of railway communication with the hitherto rather inaccessible portions of the West Coast cannot fail to effect a great improvement in trade.

There have been very vexatious delays about the inception of several District Board railways owing to the inability of the London financiers to raise a company, but now that the Government of India have made the Provincial loan account available for such undertakings we hope that it will be possible to make an early start. Various famine protective lines have been making good progress, and of 264 miles of railway which are now being constructed, 50 miles are very nearly ready to open for traffic.

While we have thus been doing much to improve internal communications, we have also been deeply considering the questions of improving the ocean communications and the ports and harbours of the Presidency. The Madras Harbour Improvement Scheme is nearly complete, and we are now awaiting the approval of the Government of India to our proposals for financing it; we have taken steps to provide for the dredging of the port of Tuticorin, and while the old dream of a harbour on the West Coast has been proved to be beyond practical realization, we have set our hearts on the establishment of a harbour and ship-canal at Pamban which bids fair to add immensely to the foreign trade of the Presidency and to the importance of our railway systems. There is at present no harbour on the long coast line of 2,000 miles between Bombay and Calcutta where ships can load or unload alongside of a wharf in all seasons of the year. The supplying of this want would undoubtedly effect a very far-reaching change in our commerce not to mention the strategic advantages, but in this as in other matters we have to curb our impatience while we await the sanction and financial assistance of higher authorities. Meanwhile we have rendered our coasts less perilous to mariners and more attractive to shipping by the completion of the work of lighthouse construction which was commenced eight years ago. The cost of the scheme which has been advanced by Port and Provincial funds will be recovered from a special tax to be levied on the shipping, for which legislative action has been taken by the Government of India. The appointment of a "full-time" Chairman to the Madras Harbour Trust Board in the person of Mr. Spring has been an important step and one which was designed to remove long-standing complaints.

I shall now turn for a few moments to Local and Municipal affairs. It has been a source of considerable gratification to us that improved finances have enabled us to render more liberal assistance to local bodies for the purpose of improving water-supplies in towns and rural areas. The towns of Guntur, Dindigul, Vizagapatam and Trichinopoly have all received grants from Government for this purpose during the past year, while a special grant of Rs. 50,000 was distributed amongst the District Boards for the improvement of water-supply in villages. In many districts the contributions levied on account of plague preventive measures have seriously crippled the resources of the Local Boards and special grants have been made to four of the Boards most seriously affected. We have also been considering whether it may not be possible to lighten in some measure the burden which the adoption of the measures considered indispensable by the highest medical and sanitary authorities imposes upon local finances, and a special officer will during the year just begun be appointed to make a thorough local investigation into this matter.

The unsatisfactory state of vaccination in this Presidency and the inadequacy both as regards number and qualifications of the staff of vaccinators has engaged the attention of Government for many years past, but the proposals drawn up with a view to remedying this state of affairs have had to be negated more than once for financial and other reasons. We have again considered the subject and we have promulgated the main lines of a scheme which we hope the Sanitary Commissioner will soon be able to work out in detail. The need of a central depot for the manufacture and distribution of good preserved lymph has long been felt, more especially since the Mysore Darbar intimated that they could no longer undertake to supply this Presidency from the Bangalore depot. This want has now been supplied by the erection of the Vaccine depot at Guindy which started operations at the close of last year. In conjunction with this Vaccine depot a Provincial Bacteriological Laboratory has been founded with the object of providing for the prosecution both of routine bacteriological examinations and of research into some or all of the vastly important problems awaiting determination by bacteriological science. The buildings for this laboratory are approaching completion, and when they are finished, equipped and placed in charge of an expert Bacteriologist, the Madras Presidency will be second to none in its provision for scientific research of this order. In recognition of the large share which the Sanitary Commissioner has had in the initiation and carrying out of the combined scheme and of his great services to the Presidency, we have named the institution the "King Institute of Preventive Medicine". I think that you will agree with me that

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during the past year something substantial has been done to initiate and advance measures tending to improve the public health and to guard against epidemics.

In the matter of general administration there has been a long-standing need for improved machinery, and we have taken up the question in earnest. The scheme for sub-dividing the Kistna and Gódvári districts with the object of giving relief to the District officers of those at present unwieldy charges is now before the Secretary of State, and the more extensive scheme for redistributing District and Divisional charges throughout the Presidency has nearly been knocked into shape. Mr. Meyer who was charged with this work was in the midst of it selected by the Government of India for other duties, and this has delayed the submission of his final report. It has been a long-standing complaint that the judicial branch of the Civil Service is less efficient than the executive branch on account of the inferior prospects of advancement which it holds out. We have tackled this question and submitted to the Government of India a scheme for the grading of District Judges, the remedy which has always been considered the right one, and our proposals, I may add, involve but the slightest increase of cost. The next step which we hope to take in the same direction is to devise some means for the better training of Junior Civilians in judicial duties.

The decision of the vital question of police reform rests now with the Government of India; we played our part two years ago by raising the question and proposing a very elaborate and complete scheme for the Presidency, but as the Supreme Government found it necessary to deal with India as a whole it has naturally become a matter for longer consideration on their part than we at first anticipated.

While all these important reforms have only advanced a stage, there is a minor but not unimportant one which has been completed during the past year. It is the reorganization of the Subordinate Medical department which came into operation on the first day of this month. It was found some years ago that the pay and prospects of the civil apothecary class of the Subordinate Medical Service were insufficient to attract men with the necessary qualifications for independent medical charge of Local and Municipal hospitals. The grade of Civil Assistant Surgeons has accordingly been enlarged; civil apothecaries who hold the requisite medical degrees will be promoted and on the superannuation of the remainder their places will be filled by Civil Assistant Surgeons till the full sanctioned establishment is reached.

I need say but little about legislation as that part of our work is shared by this Council and is discussed "coram publico". The principal work of the year was the passing with very happy unanimity of the Impartible Estates Act which formed the second stage in the trilogy of legislation which we have undertaken for the benefit of landholders and their tenants. We hope before the year is out to place before the Council the third and final Bill which is to settle important questions as to the relations of landlords and tenants which have been shelved for many years past. Another Bill on which we have been working and which we hope to lay before you this year is the Madras Port Trust Bill—a measure which aims at improving the administration of the port of Madras and removing a fruitful source of public complaint. I had hoped to be able to introduce the Bill this session, but I did not fully appreciate the enormous labours which the Madras Municipal Bill would entail or anticipate delay in the sanction of the Government of India. I hope that within a few days it will be possible to reckon the Madras Municipal Act among the completed labours of the year.

I am afraid that this long recital has been tedious, but I hope that it has at any rate borne out my assertion that there has been revision, reform and progress in every branch of the administration. I hope also that it will serve to prove that public complaints so far from being disregarded are given a great deal more attention than is popularly supposed.

As regards the budget I need add but little to the comments of my Honourable Colleagues, but I feel it an obligation to express my grateful recognition of the treatment we have received at the hands of the Government of India. We have been treated, as I fully expected we should be treated, with great fairness and also with liberality. In the revision of the Provincial Settlement, a matter which has occupied our anxious and incessant attention during the past three years, the main principles for which we have always contended have been conceded, and at the same time a very handsome provision has been made to give us a fair start under the new conditions of finance. Last year I took occasion to hint that public agitation would not help us in our negotiations with the Supreme Government, and now I gratefully acknowledge the self-restraint and moderation which has been observed by both press

and public in this respect. It is always well to remember that the human element dominates all human concerns and not least those which are political and administrative, so that if you want to get something even out of officials the best way is with that politeness which costs nothing and which is invariably used in private affairs.

Within a few days, unless anything unforeseen should occur, I shall be called away to a post of greater responsibility, heavier anxiety and more arduous work than that which I have the honour and good fortune to hold at present. As you know, the necessity for a temporary incumbency of the Governor-Generalship is due to the unprecedented circumstances of Lord Curzon's departure and that it falls to my lot to officiate is merely in the course of official seniority. I trust that the accidental circumstances which will place me in such a position will not result in any discredit to Madras. I have had many evidences, which have touched me deeply, that the people of Madras will regard my temporary translation to a higher sphere as an honour to the Presidency. There is, I fear, no justification for this view, but since it exists I shall endeavour to act up to it. It will be the honour of Madras that I shall have ever in view, and I can only humbly trust that with the help of God I shall do nothing to disgrace the Presidency. I say in all sincerity that I seek no personal credit, for I am well aware that I have done nothing and am not likely to do anything to deserve it; but if that which I do should prove creditable to the land in which for three years past my lot has been cast, the people with whose fortunes I am so closely and fondly associated and the administration which has supported me so zealously and loyally, then indeed I shall be proud and glad and thankful. My position as officiating Viceroy will be that of a ship's officer who for a short watch has to keep the vessel on the course which has already been marked out until the commander resumes control of the helm and direction of the navigation. At present the sea is calm and the course is clear; I can only pray that no sudden storms will arise and no unseen obstacles drift across the course to put my inexperienced seamanship to a trial. While I cannot hope to do anything as Viceroy, I do hope to learn something, something perhaps which may be of use to this Presidency when I return here. I am glad to think that my absence from Madras will be only brief and temporary, for I can assure you that nothing would grieve me more than to have to bid a final farewell to the Presidency for any reason whatever before my ordinary term of office had expired. During my absence my Hon'ble Colleague Mr. Thomson will occupy my present post. I need hardly tell you that I have no fear that the administration or any of the duties of the Governorship will suffer in his hands. You will be making an interesting experiment; nothing less, so far as the personal elements are concerned, than that of Government by a Lieutenant-Governor in Council. While I wish the experiment success with all my heart, I hope that it will not be so successful as to engender a preference for that system over the present one. I hope that I have not tried your patience too long with these remarks in which I have endeavoured to open my heart to you and to that larger audience outside with whom I have always desired to establish relations of mutual candour and confidence. Anyhow I apologize for having detained you so long and I thank you sincerely for your patient hearing.

The Hon'ble Sir GEORGE ARBUTHNOT:—Your Excellency,—Not only Members of this Council but the public generally will owe no small debt of gratitude to you, My Lord, for the extremely interesting and, if I may be allowed to say so, able speech to which we have just enjoyed the privilege of listening. It must be a source of no small gratification to the Madras Presidency that it should have fallen to its lot to supply a Viceroy so able to fill the place and carry on the work of Lord Curzon, a task which not many would be competent to achieve. Much as during your temporary absence from Madras you will be missed, My Lord, by those over whom you have governed, we are yet fully mindful of the fact that the loss of Madras will be the great gain of India.

We are in the happy position to-day of having to consider a prosperity budget and one which, in my opinion, is but little open to adverse criticism. And in view of the very heavy work which the Council has before it in the Municipal Bill, I do not wish to take up its time with any lengthy and not very necessary remarks. But as I have on several occasions when former budgets were under consideration held forth in this Council chamber in protest against what in common with so many others I felt convinced was the unsound and objectionable system of the old five-year Provincial contracts, I hope that I may be allowed to say a few words of welcome to the new system which has been inaugurated and to express the gratitude of the commercial community whom I have the honour to represent both to the Government of India for the liberality which it has on the whole shown towards this Presidency in the new

arrangement and to you, Sir, to whose influence and tactful efforts I do not doubt that this liberality is in a large measure due. The long-desired and warmly-welcomed change to a reasonable and businesslike system of Provincial contract will surely be one of those "monuments more enduring than brass" which will make memorable your rule over this Presidency. I believe that under the new system there will be far greater possibilities than under the old for the encouragement by the Local Governments alike of agriculture and commerce by the exercise of a wise and well-considered liberality, and I feel confident that in the case of the Madras Government this liberality will not be found wanting.

Before sitting down I would like to make a suggestion to my Honourable friend Mr. Thomson who is in charge of the budget. If he desires to earn the undying gratitude of Members of this Council, would it not be possible for him to include a supplementary estimate providing for the introduction of an electric fan installation for this chamber. The punkah as it is pulled at present is singularly conducive to heated discussion.

The Hon'ble K. VASUDEVA AIYANGAR :—My Lord,—This is the fourth year in which the Financial Statement has been placed before the Council during

1-40 P.M.

Your Lordship's administration, and it is a matter for rejoicings that after Your Lordship has assumed your high office the country has shaken off the effects of previous famine and has been pushing through periods of growing prosperity. Scarcity, which was prevailing in certain parts of the Presidency in 1900, began to show signs of disappearance in 1901 and finally disappeared before the year was over, and during the past three years, especially the two previous years, there have been sufficient rains and people have been having fairly good outturn of crops which have enabled them to keep themselves above wants and difficulties. The administration reports further bring forth the facts that the area under cultivation is increasing and the trade is prosperous, its value having increased by three and odd crores of rupees as Your Excellency has observed, and the fact that imports of Indian produce and manufacture show a decrease and exports an increase is being regarded as a sure sign of the agricultural improvement. The past year, though a prosperous one, has been to some extent marred by the occurrence of extraordinary floods in various districts and the consequent great loss of human lives and property, but it is refreshing to see that Your Excellency's Government have extended to the unfortunate sufferers every possible and timely assistance and taken all possible steps to ameliorate their condition. I need hardly add that Your Excellency, by your sympathising with the sufferers in their misfortunes and by turning your sympathy into practical shape by giving all reliefs to them, has won the hearts of millions committed to your care. The financial stability of the Presidency seems to be more and more assured during this period. The Government of India's contribution rose to the high figure of Rs. 61.25 in the first year—a figure that has not been reached at any time since this arrangement was made in 1887—and during the subsequent two years we had funds sufficient to meet our expenditure. From this year a new era has dawned in the history of Provincial settlements, the system of quinquennial contracts having given place in favour of permanent settlements. As the Hon'ble Sir Edward Law expressed in his memorandum which has been so well amplified by the Hon'ble Mr. Thomson, the new system would tend to create facilities for the Government to regulate their expenditure with greater certainty and greater forethought and offer inducements for them to improve their revenues as they will have permanent interest in their growth. The important change in the new settlement is the fixing of the annual contribution at 59.66 lakhs. Besides this, all the receipts and charges under "Salt" and "Customs" have been taken over by the Government of India, which will give us an additional income of 5.04 as the receipts under these heads have exceeded the expenditure by this amount (I take last year's figures). Again we have an additional income of 3.10 under "Registration" as this item has been wholly provincialised and of 1.07 on account of being relieved of "District Post" charges. The total under these items comes to 68.87 lakhs. From these we will have to deduct our losses under the new system. In "Stamps" we have lost twenty lakhs and under Income-tax and Forests eight and a-half lakhs. The losses under these reduce the new contribution to 40.37 lakhs. I cannot help feeling a tinge of disappointment—this I say with due deference and respect to the Hon'ble Mr. Thomson—at this settlement considering that it may not be possible for us to indent upon the Imperial Government for additional grant in future as it has been settled in perpetuity at least as far as our portion of our contract is concerned.

Besides, taking the budget figures of 1904-1905, we find there is an actual deficit of 16.52, and if we continue to work in this way for four or five years, our opening balance will dwindle into nothing. Nor is there any likelihood of our revenues being increased in the near future; for our land revenue has been raised to the possible maximum limit—the revenues having been increased by one crore of rupees besides about 25 per cent. more in the shape of "fasaljasti" charges—and in the interests of all there should be a stop at least at this stage. It may not be just to expect any further increases under "Income-tax" and "Excise" and even if we expect any increases under "Stamps", it will not perceptibly swell our revenues as our share of profits here has been reduced to one-fourth. Referring to old figures I find that this fixed assignment which we began to get from 1887-88 was 33.01 in that year, 41.47 in 1891-92 and continued to vary between 33 and 35 lakhs till 1897-98. Of course, the poor figures of three years before 1901 should not be taken into account as during this period Madras was not receiving proper treatment—a fact which has been acknowledged by all parties, both official and non-official. Again, in making calculations between the arrangements of the first period made in 1882 and the settlement under which we have begun to work this year, I believe we would have been better off by about fifteen lakhs if we had continued under that arrangement and if we were allowed the same percentage of profits, which means that we can go on without having any deficit. This is more disadvantageous than the first one in that our expenditure has grown considerably under several heads, especially under Land Revenue and Irrigation, where the profits that we derive are considerably less than those of the Supreme Government. However, we will be thankful to the Government of India for changing the nature of the system. We will hope to live comfortably with what we have got and, by economising certain heads of expenditure, enlarge the scope of usefulness in other departments which would go directly to help the tax-paying people. There are one or two special features in the settlement which cannot fail to bring satisfaction to the parties benefited. An annual provision of rupees fifty thousand is made for agricultural experiments and another provision of 75 lakh for subsidising the local bodies.

It has been the feeling for a long time that the question of agricultural education and agricultural researches has not been receiving that attention from the Government as the importance of the subject requires. Although the Famine Commissioners of 1882 and 1891 have urged upon the Government the importance of effecting improvements in this direction, and although the Agricultural Committee of 1888, after elaborate enquiries, made several suggestions in this direction, nothing was practically done in utilising the hereditary skill of the Indian cultivator in the improved methods of agriculture. The Government of Lord Connemara passed orders for the starting of schools where ordinary and agricultural education can be imparted at or near the headquarters of five representative districts, but it is not known what further progress was made in the carrying out of that order. After this I only see in the budget of 1895-96 a sum of Rs. 10,000 was provided for the starting of farms, but at a later date it was notified that the Government of India had struck out that item. It was reserved to Your Excellency to inaugurate schemes in this direction. In 1901 two farms were actually started and they, being in the preparatory stage, cannot be expected to show substantial results so soon. The Government have, however, noticed that these have not been working on the lines originally indicated and enjoined on the Deputy Director to associate the ryots more and more in the working of these farms and utilise their services in the experiments that are conducted in these places. Some other improvements have been referred to by Your Excellency, viz., the establishment of an experimental station at Samalkot for investigating sugarcane diseases and improving sugarcane cultivation, this being under the direct charge of the Government Botanist who, I am glad to say, has been given to us permanently. The experiments conducted here have already begun to show some good results. Again, the recent allotment of Rs. 20,000 to start some experimental stations for the purpose of disseminating knowledge on the usefulness of irrigation by means of oil-engines and pumps is sure to be advantageous to the ryots. Two other farms also were ordered to be started last year, and I see they will be brought into operation shortly. While thanking Your Excellency's Government for inaugurating these improvements, I beg to submit that operations on an extended scale may be commenced on the lines proposed by the Agricultural Committee and the experts who bestowed deep thought on the subject. I think the ryots can hope for further developments at an early date considering that the above-mentioned annual allotment has been made for this purpose. The question of strengthening the College

of Agriculture at Saidapet seems to me still under the consideration of the Government. The Agricultural Chemist, for whose appointment a provision was made in the last year's budget, seems to have lapsed. The college, which has been maintained at a cost of forty thousand rupees a year, is not so very well appreciated by the public as is seen by the small number of students—most of them stipendiary—that attend it. The Government of India, in their recent Resolution on Education, recognise this fact when they say that “the training at Saidapet is somewhat defective on the practical side”. The throwing open of some offices in the Land Revenue department to holders of diplomas from the college or making it compulsory on some officers to pass through training in the college may make the institution more popular. This and the other question of strengthening the institution can no longer be delayed, as the Government of India have started the Pusa Institute and have expressed a desire to affiliate with it the provincial schools and colleges whose standard of efficiency and scope of usefulness they would like to be improved in order to make them serve as auxiliaries to the Imperial Institute.

The other provision to set apart a sum of Rs. 75,000 with a view to grant subsidies to the local bodies will be welcomed by those whose finances have been considerably crippled on account of plague charges. It is very satisfactory to find that the Government contemplate to assist these in other ways, by giving grants for such useful purposes as village water supply and well-sinking, constructing feeder roads to railways and combating plague. I see provision has also been made for the grant of 3-14 for water-works and drainage in Municipal towns. It may be interesting to note that during the early nineties of the last century a sum exceeding 20 lakhs of rupees was granted to the Municipal towns for water-supply and drainage, and it was also proposed to set apart four lakhs of rupees every year for the completion of other works. Unfortunately that policy had not to be acted upon owing to various circumstances, and I have great hopes that with the improved finances the Government will be enabled to carry out that policy which has brought health and happiness in places where diseases of very worst kind prevailed before.

Under Land Revenue I see the new settlement rates will be introduced in parts of Malabar, Kistna and South Canara and for the first time in Salem. There is one satisfactory feature in the resettlement of Salem, viz., there will be no reclassification of soils, but the rates will be increased with sole reference to the increase in the prices of food-grains. I will not enter into the controversial points whether the ryotwari system as organised by the early rulers and carried out by officers in the sixties of the last century were meant to be permanent or to be limited to thirty years only, whether the words “fixity” and “permanency” found in the despatches of the Secretary of State, the orders of the Madras Government and the Board of Revenue related to the ideal system or applied actually to the settlements that were being completed at the time, whether the fixing of the State demand once for all would be conducive to the improvement and happiness of the ryots or the other course, viz., the periodical revision of assessments would bring about this result. It will be sufficient for me to say that the Government of India, in their Resolution on the Land Revenue Policy of India, come to the conclusion “that the simplification and cheapening of proceedings connected with new settlements and an avoidance of the harassing invasion of an army of subordinate officials, are a part of the deliberate policy of the Government” and also say in another place that the Madras Government have intimated their cordial acceptance of the principle that the existing classification, if found to be in the main equitable, shall, on resettlement, not be disturbed. Now that surveys and settlements have been done in all the districts on new and approved scientific principles and an efficient staff to maintain the accuracy and freshness of land records and boundary limits has been organised at a large cost, I believe the ryots may be all the more encouraged to hope that the policy pursued in the settlement of Salem would be continued in other places and to consider this as the inauguration of a new policy, under Your Lordship's administration.

It is said under the same head that the contribution to the village service fund will be reduced in the current year. The Government's contribution being equivalent to the money collected from the ryots as per Act IV of 1893, the reduction in the former means that the village service cess will not be levied at the present rate. This is appropriate as I see that large surpluses have accrued in this fund, the balance at the commencement of the last year being Rs. 10,25,878. This temporary reduction may be made to apply to those districts in which the new railway cess is being levied.

Under “Excise” I see there will be increases, again especially in “Toddy” and “Country spirits”. The receipts under the former item have increased from 74.15 to 79.25 and the latter from 53.51 to 60.14—an increase of twelve lakhs under both the items in the years 1901-1902 and 1902-1903. The revised estimate of 1903-1904 calculates the increases would come to 19 lakhs. The Honourable Member in charge of the Financial Statement said last year that nothing could be done towards the checking of this growing evil which depends upon the character of the seasons. The minds of responsible gentlemen seem to be exercised in Bengal on this question, who are pressing upon the Government the desirability of preventing the vendors from selling these commodities to women, children and habitual drunkards. Under section 24 of the Abkari Act the Government can, with advantage, order the imposition of such restrictions in the licenses.

Under “Interest” may I be permitted to submit for Your Excellency's consideration that the rates of interest at which loans are issued to the local bodies and to the cultivators may be lowered. While the interest we pay to the Government of India is only 3½ per cent., we take at higher rates from those to whom we advance our money. The

2 P.M.

surpluses under this head in the transactions with the cultivators alone for faslis 1309, 1310 and 1311 come to s. 1,21,806, i.e., forty thousand rupees a year. No doubt there will be less recoveries in certain years, and making allowance for such reductions there is ample room for advances being made on more liberal terms. I see that an amount of two lakhs of rupees is to be lent to the Tinnevely District Board for the construction of a railway line, and in this connection I would beg to point out that it would be advisable to demonstrate at an early date to the people the purposes to which the new collections would be put as I believe that this would enable them to reconcile themselves to the position, and with this view the District Boards may be stimulated to embark upon several railway projects they have proposed.

It is gratifying that the expenditure on education has been put down as 24 lakhs plus nearly four lakhs as grants-in-aid for this purpose under Contributions. Ten years ago the expenditure was raised from 11 lakhs to 17 lakhs and it has remained stagnant till 1902-1903, and for the last two years there has been a steady increase of expenditure. This is all the more welcome as during the quinquennium ending in 1901-1902 the administration report says that there was not much progress in education and the number of pupils that attend schools was hardly keeping pace with the increase in population, while a decided improvement is perceptible during the next year 1902-1903. The idea of establishing model primary schools has been abandoned, but I believe that a number of rural schools will be formed in the near future on the lines indicated by the Government of India in which the children of the cultivators will be provided with just that sort of knowledge which would enable them to intelligently look up to their business in after-life. Speaking of education, I would again beg Your Excellency's permission to go back to my remarks at the last budget meeting where the importance of giving additional impetus to the dissemination of Sanskrit knowledge was urged by me. The recent famous Resolution of the Government of India says that “the first instinct of British rulers was to support the course of instruction which the people had been accustomed to receive from Indian rulers”. With this object the Benares Sanskrit College was established in 1791, which I am glad to say is even now kept up in a high standard of efficiency, and for the revival and improvement of indigenous literature and for the encouragement of the learned natives of India, an annual allotment of one lakh of rupees was set apart. I say this simply to show that the importance of the subject was recognised in the early days of the British, and even now the Governments of Bengal, Punjab, the United Provinces, and also Bombay are spending larger amounts towards the encouragement of Sanskrit learning. In Bengal a sum of Rs. 4,200 is given to two *Tols* (corresponding to our Sanskrit schools) for being distributed to students receiving instruction, five *Tols* are being aided in the province by the State at a cost of Rs. 3,500 a year, an annual examination is held by the Government at a cost of Rs. 1,700 for giving titles and awards to students appearing for the examination, and a sum of Rs. 21,000 is being given as grants-in-aid for several institutions imparting Sanskrit education only to students. Besides, they are maintaining a Sanskrit College entirely at their own cost which consists of three departments, viz., an Oriental department, an Anglo-Sanskrit department teaching up to the M.A. standard and an Anglo-Sanskrit school. In Punjab the University maintains an Oriental College for the advancement of purely Oriental learning. Stipends are granted to poor students and certificates are given to successful students in the examinations. Besides, grants are given on

very easy terms to the Sanskrit patasalas. The Government of the United Provinces maintain the Benares College, where a system of annual examination is conducted in the College for the benefit of the aided schools. In Bombay they do not seem to do much in this direction, the only thing worth noticing is that they give literature honoraria to scholars who edit Sanskrit manuscripts. A look at the administration report shows that we have spent Rs. 1,400 in 1902-1903 and Rs. 1,350 in 1901-1902. The appointment of the Sub-Assistant Inspector of Schools does not seem to have improved the situation. I fondly hope that there is a great future for this noble language and the beginning of that will be inaugurated by Your Lordship's Government.

I have one more subject to bring to the notice of Your Excellency and I will conclude. The repair of irrigation channels has not been receiving proper amount of attention from the authorities. Last year some allotment was made for the repair of Cauveri channels in Trichinopoly and this year I find there is some grant. But, no visible improvements seem to have been effected. The efficiency of the irrigation channels, in the minds of the Irrigation Commissioners, depends on the channels being cleared of silt and on the observation of a fair standard of maintenance. The Cauveri delta gives a revenue of forty-five lakhs of rupees, *i.e.*, 12 more than the revenue received before the construction of the anicuts, and yields interest at 37 per cent. on the outlay. It is just and proper that these works are attended to with greater liberality and other irrigation facilities conceded to the ryots. In this connection I have to tender my hearty thanks to Your Excellency for the allotment of 20 lakhs for the Tanjore delta drainage. We are rejoiced to see Your Lordship, after a peaceful administration, has been called away to a higher and more responsible sphere, and it is our prayer to the Almighty that Your Excellency will be brought back to us with greater honours and laurels on your brow.

His Excellency the PRESIDENT :—I think it will be convenient that we should adjourn now. We will meet again at 3 P.M.

2-8 P.M.

The Council reassembled at 3 P.M.

The Hon'ble M. KRISHNAN NAYAR :—May it please Your Excellency,—With Your Excellency's permission I may be permitted to congratulate Your Excellency on the elevation, temporary though it be, which has taken place in connection with Your Lordship's appointment. It has been said that next to the post of the Premier of England the post of the Governor-General of India is in every respect the most important in the gift of the British Crown. Taking all the circumstances, especially the circumstances of the Eastern world at the present time into consideration, I think that statement is correct; and I think also it may be regarded as a compliment, though Your Excellency has stated that it was an accident—it may be regarded as a compliment to this Presidency that it has fallen to Your Excellency's lot to go and occupy that place. I may also state that during the temporary absence of Your Excellency from this Presidency, Your Excellency's place, I have no doubt whatever, will be occupied with credit and the duties appertaining to that office—in this I think I echo the sentiments of the people at large—will be discharged to the satisfaction of the people by the Honourable Member in charge of the Financial Statement.

Your Excellency's statement in your speech that the grievances of the people have been sympathetically taken into consideration and disposed of by Government—here I am certainly giving expression to my own sentiments and I think I am also giving expression to the sentiments of the non-official Members of this Council—is proved by the tenor of the speech that we had the honour of listening to this morning. Of course the speech covers a wide area and it touches many subjects. It is neither desirable nor possible for me to touch upon all those subjects. However, I wish to draw Your Excellency's attention and the attention of Your Excellency's Government and of the Members of the Board of Revenue to a few points about which I may make some observations.

It has been stated in the speech referred to that the settlement of Malabar has been very fair to the people of that district, and the people have really no grievance with reference to that settlement. I submit I have no desire whatever to refer to the controversial points of that settlement. Practically the settlement has been completed and it has become a thing of the past. However, with Your Excellency's permission with reference to one matter which is not yet concluded with reference to that settlement, I may bring to Your Lordship's notice the grievance which the people have.

With reference to dry lands in Malabar, they have been classified at the time of the settlement into two classes known as "occupied dry" and "unoccupied dry". I have no desire whatever to trouble the Honourable Members of this Council with any details whatever. "Occupied dry" lands are those which have been occupied by various ryots and in which cultivation has been going on. These "occupied dry" have been classified and assessed. That has now become a thing of the past. We are prepared to accept the state of affairs with regard to that. With regard to the "unoccupied dry" lands, it was understood at the time of the settlement—and that was the rule as embodied in the Government resolution on the subject—that the "unoccupied dry" lands were those which were not cultivated except occasionally. With reference to these lands the rule enunciated was that these should be assessed only in those years in which they had been actually cultivated. But recently these "unoccupied dry" lands have been measured, and I understand that there is a proposal to impose a permanent assessment on them which will last for the whole period of settlement, namely, for about thirty years. If a particular portion of an unoccupied land has been found to be cultivated for three consecutive years, measurement of that land is made and it is proposed to assess it. The desire and the prayer of the people is that this new departure which it is sought to be introduced may not be introduced and the system that was introduced at the time of the settlement may be adhered to. In the first place there are practically, I think, very many difficulties in bringing these unoccupied dry lands under permanently assessed lands by this system of measurement only. It may be that a particular survey number may consist of a very large area, about 18 or 20 acres. It may be that only a fraction of this comparatively large area may be cultivated by a tenant in occupation consecutively for three years; and in consequence of the introduction of the newly-contemplated rule, the *Janmi* and not the tenant will be called upon to pay the assessment for thirty years, possibly not only for the land actually cultivated, not only for the fraction of the land which has been actually cultivated, but for the whole of the survey number. There is also another thing. At the time of the introduction of the settlement, knowing that these unoccupied dry lands would not be assessed permanently in this way, the attention of the people was naturally directed to wet lands and those dry lands which were sought to be assessed permanently; and consequently their attention was practically concentrated on wet lands and occupied dry lands only. Practically no attention was paid to the unoccupied dry lands under the belief that revenue would have to be paid on those lands only when those lands were actually cultivated. Seeing that this assessment is to last for thirty years, the tenant who cultivates his lands for three years may not be the tenant who remains in possession for thirty years. The tenancy may be changed, but the landlord will not be changed and he will have to pay the revenue for the whole period. If the present system be continued, no loss of revenue will accrue to Government. Under these circumstances I request that the Members of the Board of Revenue and Your Excellency's Government will be pleased to take into consideration all the grievances of the people and pass the necessary orders to the effect that this contemplated arrangement may not be brought into force.

There is another thing that I wish to bring to your notice in connection with the Malabar settlement. Here again I do not wish to refer to any matter that has been decided. This particular matter is one which, I know, has been decided by Your Excellency's Government, but I have reason for referring to it, and that is a reason which has come into existence only recently. With reference to lands which are classed as single crop lands the assessment is levied as on single-crop lands. The rule in respect of those lands, when occasionally a second crop is raised in them is this: half the first-crop assessment will be assessed in those years when occasionally a second crop is raised on these one-crop lands. That is the rule that has been in force and accepted at the time of the recent settlement. People were all along contending and praying that this assessment on second crop when occasionally a second crop is raised ought not to be brought into existence and ought not to be levied. However, the rule was introduced. I now find that this objection which the people of Malabar were placing before Your Excellency's Government has been accepted with regard to the settlement of the adjoining district of South Canara. The climatic conditions, the conditions of rainfall and in fact all sorts of conditions of these two districts of Malabar and South Canara are practically the same, and the rule which exists with reference to South Canara may be naturally introduced with reference to

- Malabar also. That is the request that was placed before Your Excellency's Government by the people of Malabar at the time of the settlement; and as it has already been accepted by Government with reference to the South Canara district, I submit that for the same reason the same rule may also be introduced with reference to Malabar and the rule which has already been introduced with regard to the occasional second crop in Malabar may be reconsidered and revised. That is the another objection I have to submit with reference to the assessment of the district of Malabar.

Before I leave this question of land revenue, I may also draw Your Excellency's attention to the topic of agriculture and agricultural education that is necessary for the advancement of the people. The subject has been treated at length in Your Excellency's speech this morning, and we are thankful to Your Excellency for the specially sympathetic treatment of this subject. Your Excellency has stated that 69 per cent. of the total population of this Presidency depend upon agriculture for their maintenance and about 39 per cent. of the revenue that is collected is revenue more or less connected with land revenue. It will thus be seen that agriculture and all matters connected with agriculture play a very important part in the administration of the country and affect the welfare of the people. Therefore any amount of attention and care which the Government can possibly bestow upon this subject cannot be too much. What I suggest for the consideration of the Government is that a system of agricultural education on the lines suggested by Mr. Chatterton in his scheme, which was itself the subject of consideration by Government, may be introduced at an early stage. Of course it is desirable to expand agriculture and improve agricultural methods in every possible way; and even though the budget which has been presented this morning by the Honourable Member in charge of the Financial Statement is really a prosperity budget, yet the financial position of the Government will not enable it to venture to embark upon such ambitious schemes as that of the Pusa Institute. It is possible to do things in a humbler way, and the very fact that Your Excellency's Government has been pleased to sanction the opening of farms at five stations on the lines suggested by Mr. Chatterton shows that the Government is prepared to attach importance to the subject, and the Government is also prepared to see the value of the suggestions contained in that scheme. What I state is that the resolution of the Government, as it now stands, referred to by Your Excellency, goes only to this extent: that five experimental stations on these lines are to be established in different parts of the Presidency which have been mentioned this morning. But I venture to submit that the number is too small to be of any practical value. In order that people throughout the Presidency may be able to derive any practical benefit it is necessary that a large number, such as 150, the number suggested in the scheme, or 100 or any other decent number, or in any case a larger number than 5, should be established.

Then again, on the subject of land revenue, I wish to make one suggestion for the acceptance of Your Excellency's Government. That is with reference to stamps that are required to be affixed on certified copies of orders on settlement matters sent to the Board of Revenue. The rule is that when Settlement officers give decisions on matters that come before them, an appeal lies to the Board of Revenue and the appeal petitions are themselves exempt from the payment of stamp duty; but this exemption of stamp duty does not extend to the certified copies of the orders appealed against. It is necessary that certified copies of the orders passed by Settlement officers should be sent up with appeal petitions. In some cases the orders passed by Settlement officers are too laconic, and unless these orders are accompanied by the petitions on which those orders were passed the Revenue Board will not be able to understand the objections raised and will not be able to pass final orders on such matters. My suggestion is that the exemption that now exists in regard to appeal petitions may be extended to certified copies of orders against which the appeals are preferred.

Passing on to the Financial Statement which has been circulated to Honourable Members and coming to the heading "III. Salt", I have one observation to make. The reduction of salt duty allowed by Government has led to an increased consumption of salt. I do not know what the result of the labours of the Commission of which the Hon'ble Mr. Bradley was a member has been. My own impression and the impression of many people in several parts of the Presidency, at any rate in several parts of the West Coast, is that the information that the reduction in salt duty has actually taken place has not reached all the rural parts. Of course, the Government is not responsible for this. But what I suggest is that by executive orders or in any other way which may be deemed

expedient the information of this reduction may be communicated as widely as possible to the people in the rural parts, so that the actual sellers of salt may give the people the benefit of the reduction of salt duty which the Government of India intended for the benefit of the poor people at large. I am inclined to think that if the information were more widely known, the consumption would have been much larger than it has been.

Passing on to another subject I wish to make one remark. It is seen from the Financial Statement that there has been a steady increase in the consumption of liquor, especially of country spirits. The Statement shows that in 1900-1901 the revenue derived from excise was 33.97 lakhs, next year it came to 35.77 lakhs, and next year it came to 39.04. Then there was a slight decrease in the budget estimate for 1903-1904. But there has been a considerable increase in the revised estimate for the same year, the figure being 43.87. For the current year the estimated revenue is more than 44 lakhs. One conclusion that has been drawn from this increase and that is the conclusion referred to by Your Lordship is this: that this steady increase under this head shows the prosperity of the people—that the people can afford to indulge in this luxury. But I venture to submit, My Lord, that there is another conclusion and that is this: this evil of drink is constantly on the increase, and I think there is a duty imposed on the people as well as on the Government to bring about a decrease in drink. It is not for me to suggest measures, as measures will suggest themselves to Your Excellency's Government. My suggestion is that some steps should be taken to prevent this clearly proved increase in the bad habit of the people to indulge in drink. In connection with this subject, I wish to make another suggestion, namely, the abolition of the reward system in the Abkari department. As the system obtains at present, there is an inducement offered to ill-paid officers, such as sub-inspectors, petty officers and salt peons, to concoct cases because the result of a conviction will be that a portion of the fine levied by the Magistrate will be paid to these officers themselves as a reward for their detection. This has a great demoralising effect; and I suggest that this system of rewards may be abolished altogether. I remember that a suggestion of this kind was made to Your Excellency's predecessor, Sir Arthur Havelock, when on tour; and in a speech that he delivered on one occasion he said that the matter was really an important one

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and that he would bestow sympathetic attention on the subject. I do not know if anything has been done in the matter. Under the heading of "Salt" I see this remark in the Financial Statement: "In the case of rewards the saving has been caused by instructions recently issued by the Board of Revenue restricting rewards." It is a matter for joy that the Government itself sees the necessity for restricting the rewards. What I suggest is that the system of rewards that exists at present may be abolished altogether.

Passing on to another subject, Assessed taxes, I find that the revenue from income-tax realised in 1900-1901 was 13.79 lakhs, next year it was 14.34 lakhs, next year again it was 14.80 lakhs. In the last year according to the revised estimate it was 12.25 lakhs. Naturally, on account of the raising of the taxable minimum from Rs. 500 to Rs. 1,000, it was anticipated by the people at large and also by Your Excellency's Government that there would necessarily be a reduction in the total amount of taxes that is collected, for I find that the budget estimate for 1903-1904 was 11.83 lakhs. But according to the revised estimate it was 12.25; and the fact that the diminution has not been so much as has been anticipated is explained in the statement by saying that this deficit was overestimated at the time of the budget and that the collections were better in the year. I do not know whether these causes sufficiently explain the difference between the amount that was collected before the raising of the assessable minimum and after the raising of it. There is a tendency—I do not know whether Your Lordship can be personally aware of it; some Members of the Government who have worked in the districts will probably bear me out—there is a tendency in the lower departments, that is, in revenue inspectors and the amsons officials, that is, village officials, and this tendency is seen in the Tahsildars themselves—there is a tendency on the part of these officers to show as high a figure of income-tax as possible. So that, though there has been a raising of the taxable minimum, the real benefit of it has not accrued to the people. The matter is, therefore, one which requires the attention of Government and also investigation. An investigation may

probably show that the results are due to the tendency to which I alluded to on the part of the revenue officers in the lower departments.

Under "Registration" I find that the budget estimate for 1904-1905 includes provision for new sub-registry offices and also for strengthening establishments in existing offices. Sometime ago by means of an interpellation Your Excellency's attention was drawn to the inconvenience which was felt by suitors in civil courts in getting encumbrance certificates on account of the new rule passed by the High Court. Your Excellency promised on that occasion that the matter would be considered, and I am really glad that it has been considered and the result has been the strengthening of the establishments.

Under the heading of "Law and Justice", I have two suggestions to make. As has been remarked by more than one Member already and as has been referred to by the Honourable Member in charge of the Financial Statement, this is really a prosperity budget, and this is the time for effecting reforms which could not be effected previously for want of funds. One particular item of reform is the separation of judicial and executive functions. Your Lordship must have heard very much of this question which practically has been agitated in the public press and on platforms; and practically all people seem to be agreed on this question that it is certainly desirable, if possible, to separate the two. The difficulty in giving practical effect to this desirable suggestion is the want of funds. In this Presidency an attempt was made some years ago to effect a small improvement by the appointment of Stationary Magistrates. The result was not very satisfactory, because it was not made on an extended scale and these Stationary Magistrates had even, according to the new system, to attend to revenue work. Now seeing that we have a large balance in hand—in fact the year opens with a balance of 96 lakhs and closes with a balance of 80 lakhs—I submit that there is no better way of utilising a very small portion of this surplus than to effect this much-needed reform of the separation of executive and judicial functions. I do not mean to suggest that it is possible with the sum in our hands to effect a complete separation between executive and judicial functions in all branches of the executive service. With reference to Collectors, Civilian Magistrates and with reference to all Magistrates, it would not be possible to have a separation with this surplus in our hands. It will be possible to effect a complete separation so far at least as the second and third class Magistrate are concerned. That is a necessary reform and a possible reform under the existing circumstances, and I suggest this may be carried out.

Another suggestion that I wish to make under the heading of "Law and Justice" is that some change may be introduced in the existing system of appointing second and third class Magistrates. In this matter I feel rather strongly and I say—I shall be supported by all persons who have experience of district lives—that our Magistrates, I refer to second and third class Magistrates, are neither in point of efficiency nor, I am very sorry to say, in point of honesty not one-fifth so good as our Munsifs and as our Sub-Judges. There is no reason whatever that the same thing which has brought about a good state of affairs among Munsifs should not bring about a similar condition among Magistrates. The present system of appointing as Magistrates those persons who are employed as clerks in Collectors' offices, Head Assistant Collectors' and Sub-Collectors' offices and investing them with immense powers—the powers of a giant which they do not hesitate to use, as giants themselves use—should be changed. As to how the recruitment of these Magistrates should improve it is not for me to suggest. Your Excellency's Government will no doubt hit upon a right plan of getting rid of the existing evil. I wish to make one or two suggestions which may be adopted either with alterations or without alterations by Government. With reference to Munsifs the appointment is made from the bar, and in certain cases from amongst persons employed in the High Court and District Courts. If some such system is introduced in regard to Magistrates, the results produced by the system would be satisfactory, inasmuch as the premises being the same, the conclusions must also be the same. I do not wish to formulate any suggestion. All that I wish to do is to bring the existing state of affairs to Your Excellency's notice and to suggest that some reform might be effected. The educational qualifications of these Magistrates if raised must go a long way to cure the existing evil.

Under the head of "Scientific and other Minor departments", I find a reference to the School of Arts' weaving industry. It is the wish of the people of Madura that a weaving school should be established at Madura where there is a strong

weaving population. Forty-seven per cent. of the population of Madura consists of silk weavers, and if a model weaving school be established there that will certainly be very good for the people. It is also necessary to give a stimulus to that particular industry.

I do not know whether it is necessary to detain the Honourable Members with any more remarks. But before I conclude I may be permitted to allude to one other subject—the subject of contribution from Local to Provincial funds. I find that in respect of certain matters, in respect of the medical subordinates, the contribution hitherto levied from local bodies has now been given up.

I find also that contributions are made from Provincial funds to Local funds. I suggest that a larger amount than what is allowed in the budget may be allowed for the purpose. In some districts for want of funds hospitals which have been in existence for some time have been abolished and some hospitals have been converted into dispensaries. In the district of Malabar of which I have personal experience, that has been done for want of funds. I do not make this suggestion in regard to Malabar only, but I include other districts also where the same state of things prevails. These are some of the remarks that have suggested themselves to me and I place them before Your Excellency.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—May it please Your Excellency, — This year's budget debate is unique in that it inaugurates a new era of Provincial settlement; it is also unique in that it is characterised by the new departure from the old practice that has been obtaining in past years, a departure initiated by Your Excellency, namely, of reviewing the administration report of the past year, and it appears to me to be specially unique in that it has evoked such a review as Your Excellency has made this morning. I wish to associate myself with what has fallen from the Hon'ble Sir George Arbuthnot and the Hon'ble Mr. Krishnan Nayar with reference to Your Excellency's elevation to the Viceroyalty of India. Madras is unwilling to think that this elevation is merely due to an accident. I was particularly touched by the reference that Your Excellency has made to the large place that Madras has in Your Excellency's heart and as to how Your Excellency thinks that your own honour is bound up with the honour of Madras. To an oriental mind, even when it is warped by western ideas and methods of thinking, nothing is so impressive as the sentiments that have characterised Your Lordship's utterances, especially when they have been so sincerely felt and so pithily expressed as they have been on this occasion. There is another reason why I am glad that Your Excellency has made this review. It appears to be in pursuance of the policy of taking non-official Members and the public into your confidence with reference even to the details of the administration and allowing them, if I may be permitted to say so, to say what they think with that politeness which costs nothing and which is observed in private affairs. I am, therefore, speaking for myself, exceedingly obliged to Your Excellency for the review which Your Excellency has made, and if Your Excellency will permit me, I may congratulate Your Excellency's Government on the progressive character, on the whole, of last year's administration. I feel that Your Excellency will permit me to make a few observations with respect to what is contained in the review, which are not strictly germane to the budget statement. Your Excellency was kind enough to say that educated public opinion which directs District Conferences has not found any greater fault with the administration than with mere details which, of course, may require to be looked into now and then. I am glad that it is so, and in saying the few words that I shall say now, I wish Your Excellency will consider I have not been moved by any querulous spirit. I beg permission to remind Your Excellency that it is the same educated public opinion that directs not merely District Conferences but also Provincial Conferences and the Congresses. There is another point which suggested itself to me when Your Excellency was making the review. That is as to whether it is an unmixed blessing that we have had a large increase of exports,

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over imports. I must confess to a feeling of sadness that so much of exports sent in the raw crude state and destined to come back with different labels to be sold at enhanced prices may not after all mean unmixed prosperity of the people. With reference to the Salem settlement, I am particularly glad, and I think that the public owe a debt of gratitude to Government, for its having adopted the principle that it has in resettling the Salem district. I am sorry I am one of those incorrigibles who have not been converted to the faith in the system of periodical revision of

assessment. Even though I am that, I still welcome the policy that has inspired the Salem resettlement for this reason: that in talking of the permanent settlement it is the wish of every one of those who have bestowed their thought upon this question of settlement, that if there is to be no permanent settlement the revision of settlement must be guided solely by a rise in prices. I do not know whether in the present case it is the recognition of that principle wholesale. The recognition of that principle at least in part is proof of the fact that the Government is not unwilling to give effect to that principle wherever possible. To that extent, My Lord, this is a contribution to the popular view of the question. I am, therefore, particularly obliged that with reference to the Salem resettlement this much has been promised. Perhaps in this connection I may be allowed to state that it is just possible that there may be some lands which are assessed waste lands and which have not been taken up by ryots and to which it is also possible that this principle of enhancement of assessment on the ground of rise in prices may be applied. All that I beg Your Excellency's attention to is that if it so happens in these days of pressure of population and agriculture being the main stay of the people—if it so happens that there is a large extent of land which has not been taken up for a number of years past by the people, it must be on the ground that the assessment on it is already heavy. It is in those cases that Your Excellency's Government may order that the principle of rise in prices may not be given effect to. I have also to express our thankfulness to Your Excellency's Government for elaborating a scheme of judicial service which will be in consonance with the requirements of the people, and it will be to some extent giving effect to the suggestion made in the press and at the Council table as to the desirability of having the early part of a Civilian's career devoted to judicial work. I have not got the details of the scheme which Your Excellency has proposed and it is not therefore competent for me to say anything on it. All that I beg to suggest is that even to the extent it has gone it is a welcome thing to us, and the people of this Presidency must be specially thankful to Your Excellency's Government for having tried to solve a question which has been agitating the public mind for a long time past, agitating till last year in vain. Your Excellency will allow us to associate ourselves in your appreciation of the services that have been done to the cause of the Co-operative Credit Societies' scheme by Sir Frederick Nicholson and to express our thankfulness to him for the strenuous efforts he has made in drawing up a report which is comprehensive and which has elicited the approbation of Lord Curzon.

Going to the Financial Statement, as has been already remarked, it is a source of gratification to us that at last we have arrived at a stage when we can look at the Statement with some composure of mind. But I must confess that such assignment as has been made to us is not one for jubilation although it is a matter for satisfaction. I have figures which I have taken from the Financial Statement of this Government and from the Financial Statement of the India Government for this year from which it would appear that during the period when the old Provincial settlement, happily no longer in force, was in force, exclusive of special allotments made by the Government of India to swell our closing balances and also of charges that have been incurred on account of famine insurance relief—for these seven years the total expenditure over receipts was 72.80 lakhs. On an average it comes to 10 lakhs and odd. Now the fixed assignment that has been made is 59.66 lakhs; but the Government of India itself or rather Sir Edward Law in his Financial Statement says that the increased assignment that is made to Madras on account of Provincial resettlement is only 16.56 over the assignment that has already been made, and this sum of 16.56 includes the sum of eight lakhs of rupees which has been granted for education and which was intended, when it was made, to be a recurring grant, so that how the position of affairs stands is this, we have an increased assignment in consequence of the readjustment of the shares of Provincial revenues—an increased assignment of 16.56 lakhs; whereas the experience of the past seven years has shown that for carrying on the administration as we have conducted it, it would require 10.40 over what has been given to us according to the old Provincial contract. Add to that another sum of eight lakhs which is also included in this sum of 16.56. That is, if you want to carry on the administration in the same way as it has been done hitherto we want 18.40 lakhs extra, that is, in addition to the fixed assignment of 16.46 which you had according to the old contract. But as a matter of fact we have an addition of only 16.56, that is to say, 1.84 less than what past experience told

us will be the amount that we may require, and if Your Excellency will add to that sum 71 lakh which, according to Sir Edward Law, will be the share of the increased annual increment of the revenue that the Imperial Government will be entitled to according to the new settlement, we find, Your Excellency, that it is something like 2.56 lakhs that we want to carry on the administration as it has been carried on hitherto. I take it that the complaint against Provincial contract hitherto was not merely that it is of a temporary character, but that it also did not provide us enough to carry on the administration with. The first defect has been removed, but I fear that the second defect has not been removed. Still it is a matter for gratification that we are now allowed to have permanently, subject to certain restrictions which are reasonable in themselves, our share in the Provincial revenues, and we indulge confidently in the hope that the future administration of the country will be carried on on better lines and with less uncertainty than has been the case in the past.

The next point I wish to call Your Excellency's attention to is the question of "Law and Justice". To some extent this question has been dealt with by the Hon'ble Mr. Krishnan Nayar. Your Excellency may remember that last time when the budget came up for discussion I drew the attention of the Council to the fact that the receipts on account of civil and criminal justice were over the charges; and it was replied to by the Honourable Member in charge of the budget that that was not the proper way of looking at it and that strictly speaking we must include Police and Jails, in which case the receipts will certainly not be over the charges. I would be unwilling to trouble the Council with a reiteration of the arguments then advanced, but for the fact that a view somewhat different is taken by the celebrated Chief Justice of Calcutta, Sir Francis Maclean. Speaking at St. Andrew's dinner he said: "So far then as giving further judicial assistance to the High Court, the Government can scarcely plead poverty though suitors may very well quarrel with these figures, for it is difficult to see upon what principle they should be taxed beyond what is absolutely necessary to provide for the cost of the administration of justice". Therefore, Your Excellency will observe that he takes merely the figures so far as they relate to civil justice, in which case the receipts will be much over what they will be when figures for civil and criminal justice are taken into account. Last year, which was a lean year, so far as the excess of receipts over expenditure is concerned, we find an increase of 10 lakhs over the charges in the receipts for civil and criminal justice. But perhaps it is unnecessary for me to pursue the point further, because it appears to me that even on the inherent strength of the cause, I can plead for a larger increase in the number of District Munsifs. As a matter of general administration, whether particular receipts will justify the increase in charges or not, as a matter of general administration, I say, it is patent to every one who looks into the matter that the number of Munsifs is far too small for the duties cast upon them and that their number should be raised. Taking the figures for last year which are somewhat less than those for the previous year, Your Excellency will observe that they had 103,386 ordinary suits and 130,350 small cause suits for disposal, and the number of original suits instituted was 778,201 and the number of small cause suits instituted was 119,601. That is excluding the Agency tracts. On an average there were 625 original suits and 965 small cause suits for the 124 Munsifs' courts which now exist in the Presidency. There is provision made in this budget for an additional Munsif's court. It appears to me, Your Excellency, that 625 original suits, 965 small cause suits, as also 1,750 execution petitions and 2,750 miscellaneous petitions constitute far too much work for a single Munsif; and the fact that the average work thrown upon a Munsif is far too much is also evidenced by the fact that we have four additional Munsifs while the normal number is 120. It, therefore, appears to me that, especially when there is so much of receipts over charges, the first concern ought to be that the requirements of those to whom the increase is due must be met more promptly than it is now the case. I may also mention that in 60 out of 120 courts the average pendency of contested cases is over six months. There is considerable scope for improvement in this direction, and the Government cannot be taken to have done all that is possible to be done in this matter. There is one other matter which is somewhat novel but which appertains to the same subject and to which I request Your Excellency's attention. I do not want to present any specific statement on the part of Your Excellency or of your Colleagues as to how you propose to treat the question; but I shall be satisfied if I have an assurance that this particular matter to which I beg leave to request your attention is taken into consideration and dealt with on its merits. The question of

trial by jury in India is one which has evoked conflicting views. Fortunately that controversy is now over, and it has come to be largely recognised that the institution of trial by jury has been a success on the whole in this Presidency, if not in India. The success of the institution of trial by jury depends very largely upon the character of the jurors that you get; and it appears to me that the present method of sending for jurors from long distances and making them wait for a number of days even without travelling allowance and batta being paid is not one conducive to the bringing in of persons who are exactly the proper men to serve on a jury. I therefore propose that some allowance may be given to them for their trouble in coming over to the court and in attending the court for a number of days. I find that fortunately I am not alone in this view. I have at present a very high authority to support me. I find from the papers that the Lieutenant-Governor of Bengal has directed that a daily allowance of not less than one rupee and not more than five rupees in the case of a juror summoned to attend a court and ordinarily residing more than five miles from the court may be granted on his application either orally or in writing. It appears to me, Your Excellency, that every month every district might require 35 jurors so that for ten or eleven months when the Sessions Courts are held the number of jurors required will be about 7,700, and taking on an average that each juror might cost five rupees, the total amount per year comes to Rs. 38,500 or in round numbers Rs. 40,000, which cannot be considered too much. I may say that according to the Criminal Rules of Practice, the jurors might be summoned from places forty miles by rail and ten miles by road. They may be summoned from places fifty miles from the court—that is forty miles by rail and ten miles by road—and if they are given third-class fares, the amount will be less than five rupees. I have to take exception to the remark of the Hon'ble Mr. Krishnan Nayar in the wholesale fashion he has put it, about the character and the public morality of the Magistrates whom one's district life would bring one into contact with. I am not able to associate myself in that assertion so far as my experience goes. There may be inexperienced and sometimes self-opinionated Magistrates.

The Hon'ble M. KRISHNAN NAYAR:—May I offer one explanation with Your Excellency's permission. The statement I made was not with respect to all Magistrates. I am sorry if I was not clear. What I meant to say was that as a class—there are very many honourable exceptions—as compared with Munsifs they are not quite so honest.

The Hon'ble L. A. GOVINDARAGHAVA Aiyar:—Even in this amended form I am sorry to differ from my friend's remarks. So far as my experience goes, the second-class Magistrates are as a class honest men. It might be that we might come across inexperienced and opinionated men, but I do not suppose that the second-class Magistrates as a class are not pure.

The next subject that I shall trouble you with is one of Education. I recognise most thankfully the extent of attention that has been paid to the advancement of primary education but, even as it is, the progress that is made is very slow; and the report of the Director of Public Instruction for the quinquennium ending 1901–1902 shows that there has been a fall in the number of institutions but an increase in the number of scholars, and it will be observed that though the latter fact is indicative of progress, the rate of extension in education appears to be diminishing. He also says: "There is also to my mind some probability that education by private agencies on which this Province so largely depends has almost reached its limits and that any great extension in future must involve corresponding expenditure from public funds with probably some measure of compulsion". I do not think it is desirable to trouble Your Excellency with figures. Even the Governor-General in Council has recognised that primary education has been given scant attention and has had a very inadequate share of public funds. I am glad to find that there is to be an increased contribution to primary schools. The next question will be, Your Excellency, as to how this primary education is to be imparted, and I believe it is conceded on all hands that for primary education to be effective the object that we must have before us is to improve the class of teachers employed for the purpose. I must express my regret that the proposal of having model schools for boys has been dropped. I do not know what exactly the reasons are. But it appears to me, Your Excellency, that it is altogether regrettable that the system of model primary schools for boys which was promised to be inaugurated has been given up. There is another aspect of primary education to which, I fear, as yet no adequate

attention has been paid. Your Excellency will observe that the agricultural side of primary education has not been taken in hand, and we find that it was only last year one institution was started and recognised—one in Melrosepuram, where an attempt was made to give primary education on the agricultural side. In this connection I am sorry I have to state that more schools than five have not been started, even as an experiment. The reasons that have been given by Mr. Chatterton and the late Director of Public Instruction as to why Mr. Chatterton's proposal may be more largely accepted and followed appear to me, Your Excellency, so convincing that I should regret that the requisite number of schools has not been started. When it has been conceded on all quarters, as it has been, that agriculture has been neglected and neglected too long, it is desirable that what has to be done is done early. Five schools such as the one at Melrosepuram for the whole Presidency appear to me to be a very inadequate number, Your Excellency.

There is another aspect of education to which I am compelled to refer—that is to the dissemination of Sanskrit education. I must confess that it was with some feelings of disappointment I listened to the answer given to the questions I put in this connection. In saying this I do not speak in a controversial spirit. I take it that the view of the Government and the view of those who do not profess to see eye to eye with the Government are exactly the same with regard to the importance of Sanskrit education. That Sanskrit is the classical language of India is admitted. We have the high authority of Sir Thomas Raleigh that in the interests of education it is desirable that Sanskrit should be cultivated. But I am sorry that no adequate steps are taken to look to the proper imparting of Sanskrit education. There are a few ideas that suggest themselves to me and which I beg to put forward for what they are worth in the hope that Your Excellency may be pleased to cause enquiries to be made as to how best to get Sanskrit education disseminated or to get it properly imparted by the Sanskrit patasalas. My suggestion is that these patasalas may be brought under departmental control, that model schools be established for imparting Sanskrit education, that the inspecting staff should be asked to exercise great care over these model schools and that increased grants should be given to teachers that have passed some examination in English and that examinations be held for pundits and students. I would also suggest that those who have undergone a training in these recognised schools and passed examinations should be entertained as pundits in the schools under the control of the department and that pundits may be encouraged to undergo a course of training in English schools by stipends being offered to them. The difficulty with regard to Sanskrit pundits is that they are trained in methods of thought and methods of procedure which are not altogether in consonance with the views of men educated in western science. No doubt it is true that men versed in Sanskrit have not adapted themselves to change of circumstances, but the reason for it is that they have not yet been given an opportunity to adapt themselves to all these conditions. The point I have in view in making this suggestion is that as far as possible efforts be made by which Sanskrit pundits may be able to recognise what exactly are the western methods and to assimilate them with their own methods. I submit that Your Excellency's advisers will be in a position to elaborate a scheme which will have the effect of achieving the end in view; and so far as the cost is concerned, the Government is not likely to grudge it.

I now go to the question of Forests. Your Excellency has referred to the steps that Your Excellency's Government has taken for the purpose of ameliorating the condition of those who are at present prejudiced by the Forest laws or the working of the Forest laws. Now in this connection I beg to make a proposal which I submit is entitled to consideration. On looking into the figures for years 1892–93 to 1901–1902, we find that the revenue realised from grazing and fodder grass is on an average Rs. 3,86,179 per year. We also find that the average total receipts over expenditure for the same period per year is Rs. 5,84,675, so that the average receipts are much in excess of the average amount realised from grazing and fodder grass. What I beg to submit is that in the case of those who keep cattle and sheep purely for agricultural purposes and not for breeding or commercial purposes they may be allowed to graze them in reserve forests by obtaining free licenses.

His Excellency the PRESIDENT:—How are we to make the distinction?

The Hon'ble L. A. GOVINDARAGHAVA Aiyar:—The village officers will do it.

The Hon'ble Mr. G. STOKES:—How much power will it put in the hands of village officers?

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—There are Revenue Inspectors and Tahsildars who make fortnightly tours and will no doubt take care that this work is properly done. Once we resolve upon the thing I do not know if it will be difficult to work it. Those receipts include receipts not only from cattle used for agricultural purposes but also from those kept for breeding purposes and for profit and also the fines that have been realised and the compensation taken from the ryots. Really the loss to Government will be somewhat less than the sum which represents the average receipts per year for these ten years. When Your Excellency also remembers that even if India be considered to be progressing and increasing in prosperity, still it is admitted on all hands that the condition of agricultural classes leaves a great deal to be desired, I submit that the proposal I beg leave to make is not one that can be summarily rejected. The persons who will largely benefit by the proposal that I make are the agricultural classes, and that circumstance is one which must commend the proposal to the attention of Government.

With respect to Jails, I have a suggestion to make. I find from the figures for ten years beginning with 1893 and closing with 1902, the average number of persons in the district and central jails, persons who were engaged in agriculture or with animals prior to their conviction was 55 per cent. of the total number of prisoners, so that Your Excellency will observe that a majority of those who are incarcerated in district and central jails were previously agriculturists. I am sure that Your Excellency will agree with me when I say that those who have been put into the jails and who come back will be anxious, as far as possible, not to bring to the knowledge of others that they have been once jail birds. What is being done is that those persons are taught certain industries, but they do not take to those industries after they are released with the result that they take to other pursuits. If, on the other hand, agricultural farms are attached to jails and improved methods of agriculture are therein practised, the chances are that they will understand those improved methods and to the extent that lies in their power they will adopt them when they are no longer convicts. This is a matter which is worthy of your attention.

Going to the question of Excise, I do not want to say much on it. During the last three years it would appear there was an increase of 30 per cent. in the revenue derived from Excise, and so far as Madras is concerned over half of the revenue is got from toddy. I remember last time when this question was discussed, it was stated by the Honourable Member in charge of the budget that when people get money—the lower classes—they indulge in drink and there is nothing for us to do except to receive the revenue. Whether, as a matter of fact, this increase in the consumption of alcohol which means enhancement of revenue is entirely due to the prosperous condition of the masses or is merely indicative of their frailty in this that they become victims to temptation that they have been accustomed to yield to in the past or is due to want of forethought is a matter on which I cannot undertake to speak confidently. But so far as one sees something of the classes who generally indulge in drink which brings this annual income, one may say with confidence that it is not due to the prosperity which is said to attend them. On the other hand, in other matters, especially in land legislation, the point is specially insisted on that they are not able to take care of themselves and require additional safeguards by which they may be prevented from exercising to the full the powers they possess. I submit that some of that want of forethought is the reason for the increase in drink. I draw Your Excellency's attention to certain observations that have been made by Sir Edward Law. In his recent Financial statement he says: "Satisfactory as, from one point of view a growth of revenue, we could not regard with satisfaction any increase which might possibly be attributed to the increased consumption of alcohol in excess of the legitimate requirements of those classes among the population to whom from long habit and custom alcohol in moderation is a natural necessity. There is no desire on the part of the Government of India to increase revenue by encouraging indulgence in alcohol. It is a matter in which we feel our full responsibility, which undoubtedly requires constant careful watching and to which at the present moment we are devoting special attention in the interests of temperance and morality."

The next subject to which I request attention is the Medical service. Here I wish particularly to draw Your Lordship's attention to the hardships which civil apothecaries labour under. Your Excellency has referred to it in the review that

Your Excellency has made. I find that at present there are 130 civil apothecaries, not one of whom is in the first grade, which carries with it a salary of Rs. 150. For these apothecaries to rise from one grade to another they have to wait for seven years. So far as the first four grades are concerned, promotion is dependent upon passing examinations. A civil apothecary who wants to get into the fourth grade has to pass an examination twenty-one years after entertainment in service. Taking it that he entered service in his twenty-second year, he is required to pass an examination at his forty-fourth—forty-fifth year—an age very unsuited for passing an examination. So far as the hospital assistants go, there are only two examinations and the interval is only five years. There is no reason why a similar concession should not be granted in the case of apothecaries. So far as the present class of apothecaries are concerned, they appear to be a class who are destined to disappear. The persons who are going to take their place are the Assistant Surgeons. For a person to get his full pension he has to put in thirty-one years' service, that is, seven years in each grade and three years in the last grade. Taking it that he joined the service after the twenty-fourth, he will be able to complete thirty-one years after he is fifty-five years old, that is, he will have to depend upon Government for extension to enable him to draw his pension. This is specially a hardship, and there does not appear to be any reason, specially after the amelioration in the condition of the hospital assistants, why this disability of civil apothecaries should any longer be continued. In connection with the subject of Medicine, there is a suggestion that I should like to make for the consideration of Your Excellency's Government. Your Excellency is aware that in addition to there being a large number of practitioners who generally take to the system of medicine as practised in western countries, there are a large number of *Vaidyans* and *Hakims* who practise oriental methods. He will be a bold man who will say that there is nothing in native therapeutics which is not entitled to the attention of the occidental practitioner. What I suggest is that a committee composed of medical men trained in western methods of medicine should associate themselves with some versed in oriental methods, so that they might see how far the medicines used by the native practitioners are of efficacy and value, so as if possible to assimilate them with western medicines. If that can be done, the western method of treatment will become more popular and there will be large savings under the head of Medicines. An attempt might also be made to see how much there is of empirical knowledge in oriental methods, and how much of it is scientific. I do not believe, My Lord, that the appointment of such a committee will cost much.

The Hon'ble Mr. J. THOMSON:—Do you want to confine their enquiry to the investigation of medicines or extend it to the application of them to the human body?

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—To the whole thing.

The next point to which I request Your Excellency's attention is one on which I specially appeal to Your Excellency, now that Your Excellency is going to Calcutta as Viceroy. The subject is one relating to the Masulipatam-Bezwada Railway. In your recent tour Your Excellency was very sympathetic in your reply to the address of the Kistna District Board. Your Excellency is aware that the District Board has already guaranteed 4 per cent.

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There are two considerations which I beg to place before Your Excellency when I request that the Government may be pleased to guarantee an additional one per cent. The railway that runs from Guntakal to Bezwada is a famine-protective line. How it is to serve the famine-protective purpose is by being able to take the rice that is produced in the Kistna district to the places where it is needed. As a matter of fact, we find that the line stops just at the outskirts of the rice-producing taluqs. The Bezwada-Masulipatam Railway will tap the four of the rice-producing taluqs, all of them rice-producing, of Bezwada, Gannavaram, Gudivada and Masulipatam, so that Your Excellency will observe that the laying out of this railway is but the logical application of the same principle to which the Kurnool-Guntakal-Bezwada Railway is due. Another reason that I would suggest for Your Excellency's consideration is now that Masulipatam is to be the head-quarter station of one of the three districts into which Godavari and Kistna are to be divided, we can reasonably expect a large amount of passenger traffic. But the chief reason that I beg leave to place before Your Excellency for guaranteeing this additional one per cent. is that if that be guaranteed there is a reasonable probability of the Indian capitalists investing their money in this railway. Your Excellency is aware that

there are a number of private firms of undoubted respectability in which men deposit their savings. If only the same rate of interest is offered to these capitalists or to men who have money to spare, as these firms offer, they will be willing to invest their money in this railway, so that this will be a good means of attracting to this railway Indian capitalists. No doubt money could be got at four per cent. and it might at first sight appear a waste to give an extra one per cent. But it appears to me that the object we have in view, namely, that of attracting Indian capital, is worthy of that sacrifice. I therefore submit that if Your Excellency's attention will only be directed to this matter, it will be possible to get proposals which are of a workable character. It appears that the line is estimated to cost Rs. 24,50,000, so that one per cent. interest on it will amount to Rs. 24,500. If a similar concession is granted in the case of Guntur Rápalle line, the Government will be called upon to pay half per cent. upon 42 lakhs, that is, about Rs. 21,000. On the present occasion all that I request is that some attention may be paid to this proposal and some efforts may be made to understand whether really any capital will flow in or not. I have some confidence that if only the proposal is taken in earnest, the object may be achieved. These are the observations that I wish to make with reference to the budget. Once more I beg to congratulate Your Excellency on your elevation to the Viceroyalty of India.

The Hon'ble G. SRINIVASA RAO :—I cannot find it in my mind to read out the few observations that I have put on paper without congratulating Your Excellency on behalf of myself, of the constituency I represent and of the whole Presidency on the high honour that has been conferred upon you—upon your elevation as the Viceroy of India. At the same time I cannot but sufficiently thank Your Excellency for the new procedure that Your Excellency has adopted in making a review of the administration of the past year for our benefit. The thanks of the public are due to Government for the many improvements that have been made and which even we, who have been carefully studying the papers, could not have collected together in the splendid manner that Your Excellency has done. A repetition of this in future years will guide us to a great extent and the benefit to the country will be something enormous.

Your Excellency,—Before proceeding to offer the few remarks that I shall make on the Financial Statement that has just been submitted, I shall venture to offer one small suggestion on a point of procedure for Your Excellency's consideration. The present practice of taking up the budget for discussion immediately after its presentation to the Council seems to be a procedure that is hardly satisfactory. It does not permit of the non-official Members offering their views and criticisms with that fulness of preparation, which is so very much to be desired in the consideration of a matter of so great a moment to the people. The heads of departments also find themselves equally handicapped in dealing with any controversial matter that may have been brought up in the course of the debate. It is true that a lucidly and carefully drawn up memorandum explanatory of the budget is furnished to Honourable Members a few days before the Financial Statement is made in the Council itself. But this interval, My Lord, I submit, is much too short to allow sufficient time for non-official Members, with their multifarious professional engagements to attend to, to come here thoroughly equipped for the proper and adequate consideration of such a complicated subject as the yearly budget of a province with a population of upwards of forty millions of inhabitants. This year, My Lord, for instance, the memorandum was put into my hands on the 4th instant, exactly a week before the date fixed for the budget meeting. Honourable Members are expected within this brief interval not only to study up the subject, but also to intimate as soon as possible to the Secretary the points, if any, on which they require other or more detailed information than is afforded in the memorandum, so that the particulars may be collected before the meeting of Council. I applied for some papers and I have not got them, copy neither. Nor is this all that is expected of Honourable Members. A warning is conveyed to them in so many words "that unless they give notice beforehand of the subjects on which they intend to speak, it will not always be possible for heads of departments and Members of Government to reply to their observations". To obviate this double inconvenience to non-official and official Members alike, I would suggest for Your Excellency's consideration that in future there may be some greater interval between the budget statement and the debate. It may also be desirable to give a day to the non-official Members for the expression of their views and criticisms, the Government Members taking time to give their answers on the day following if necessary. This slight change in the procedure, which is within the

competence of this Government to make, will, I venture to think, be a welcome one to both sides. It cannot be objected to this change that it will have the effect of postponing the budget meeting to a date much later than has been usual in the past. The budget is presented to this Council for discussion after it has come into operation, and nothing that is said here by Honourable Members in the course of the debate, however urgent and reasonable, can bring about any the slightest alteration in the conclusions, of which the results have been already included in it. The debate, if it is productive of any practical benefit at all, can be of advantage but to this extent that the suggestions made by non-official Members at one debate may receive consideration at the hands of Government in the course of the next twelve months and perchance receive embodiment in the budget of the next or some subsequent year. In this state of things it will make no difference whether the discussion of the budget comes off a few days earlier or a few days later. A slightly belated debate such as I am suggesting will be attended with at least this advantage, it may be expected to be further and better informed than it is apt to be under the existing procedure.

Turning now to the Financial Statement proper, it will readily be conceded that the most conspicuous feature of the present budget is the importance it has acquired by the introduction of the Provincial settlement. It was indeed a misnomer to have called it a contract, in which the Government of India dictated its own terms to the Provincial Government and the latter body had perforce to accept them. It is well that the name has been changed and the change has been made none too soon. The new word "settlement" is one that has been rendered only too familiar to us in connection with the periodical land revenue assessments which form the dread of the poor ryot of the country.

The chief feature of the new settlement which has characteristically come into force on the first day of April of the year is said to be permanence, in the sense that it shall not be subject to revision at the end of fixed periods, like its quinquennial predecessors. If it were so, it would be a great merit in the new settlement. But Sir Edward Law adds in the very next breath that "the Government of India necessarily reserves to itself, as the final authority in India responsible for the finances and administration of the country, the power to revise the settlement of any or all the provinces at any time whenever necessity may demand it." Again the Honourable the Finance Minister has told us: "It is evident that the Imperial Government cannot undertake any absolute obligation to maintain at all times a definite proportion between the share of increase of revenues assigned to Provincial administration and that which it is necessary to retain to meet the growth of Imperial expenditure, and it must always reserve the right to make either special, temporary or more permanent reductions from Provincial revenues, if the exigencies of the State should require such measures." All which, stripped of the verbiage which marks the utterances, simply means that the new settlement may be subjected to revision at the end of six months as well as at the end of sixty like the condemned Mayo system. The difference between the quinquennial settlement which has now been definitely abandoned and the so-called permanent settlement which has been inaugurated practically comes to this: that while it was a condition of the old system that the Imperial Government reserved its claim at the expiry of a given term to such share in the increase of revenue which had accrued in the country during the interval, but which were reserved to the Provincial Government during such term under the new order of things, that Government has reserved to itself the power to put forward that claim at any interval of time, however brief. Even under the old order when the revenues assigned to one province could be considered to be absolutely its own for five years certain, the Government of India used to make occasional swoops upon our exchequer on the plea of the obligation of Provincial Governments to contribute to Imperial necessities. Thus in 1886-87 it swept away six lakhs and four years later, in 1890-91, 17½ lakhs in addition to the resumption of revenue made *per saltum* in ordinary times every five years when the contract system came under revision. There is nothing now to warrant us in believing that the Government of India will not do in the future what it has done in the past—will not pounce upon the Provincial treasury from time to time. Only the Imperial Government can now make such in-roads with a better face under the terms of the new settlement. Such, My Lord, in my humble opinion, seems to be the character of the new settlement, and if I have been somewhat candid in giving expressions to my misgivings, it cannot be charged against me that I have taken a needlessly pessimistic view of the situation not warranted by past experience and that I am like the oversensitive and imaginative boy who cries out before he is hit.

My Lord, I shall now proceed to examine how Madras has come out of the new settlement. That this province has systematically met with the most shabby treatment at the hands of the Government of India in the past is acknowledged on all hands.

The Hon'ble Mr. H. BRADLEY:—My Lord, I rise to a point of order. Rule No. 5 of the Rules for the Discussion of the Financial Statement in the Council says that "The discussion will be limited to those branches of revenue and expenditure which are under the control of the Local Government; and it will not be permissible to enter upon a criticism of Imperial finance".

The Hon'ble G. SRINIVASA RAO:—My Lord, I beg to submit that I am trying to show that we are worse under the present settlement and that, I submit, is pertinent. I have not said one word that is irrelevant. All that I am trying to show is that under the present settlement we are not better than what we were before. I really fail to see the object of the Hon'ble Mr. Bradley in reading the rule that he has quoted.

His Excellency the PRESIDENT:—I don't think that the Honourable Member has said anything out of order so far. I do not know where he is going to.

The Hon'ble G. SRINIVASA RAO:—Even the Hon'ble Sir James Westland, the then Finance Minister to the Supreme Government, had to admit in his Financial Statement in 1899 that "at the last revision of the Provincial contracts a larger resumption of revenue was made from the Madras Presidency than from any other province". Indeed from the days of Sir Mounstuart Elphinstone Grant Duff it has been a standing complaint that Madras had been treated with the utmost unfairness. Mr. (now Sir) A. Arundel calculated in the year 1900 that the percentage of our revenues assigned for Provincial purposes was 28.60, while the corresponding figures for other provinces were as follows:—

	LAKHS.
Central Provinces	52.12
Punjab	46.02
Bombay	44.14
Bengal	40.26
North-Western Provinces and Outh	30.88

The result of this parsimony on the part of the Government of India in its treatment of Madras has been that the most trivial occurrence demanding additional expenditure was sufficient to dislocate the finances and financial equilibrium had to be maintained by doles from the Government of India. Sir A. Arundel, when he was in Madras in charge of the portfolio of finance, used to conclude his Financial Statements with a respectably long list of what he called "improvements and developments" which were "awaiting the advent of funds".

And in the last of the Financial Statements presented by him to this Council, the Honourable gentleman merely contented himself with expressing the hope that "when the time comes for arranging the next Provincial contract, our deficit, if any, may not be left to hang like a millstone round our necks, and that such increase of revenue as may have accrued, if any there be, may be left to meet the great needs of the future". The modest hope has indeed been partially realised now by the special initial grant of thirty lakhs which the Government of India has made to enable this Government to start the new settlement under favourable conditions.

But, My Lord, even with this and a few other doles which have in the general, though not generous distribution which has been made out of the Imperial surplus to the Local Governments, fallen to our share, it cannot be said that we have been accorded that liberal treatment which every one of us fancied we had a right to considering the heartless manner in which our finances have been systematically starved these twenty years and upwards. My Lord, Your Excellency's predecessor in office year after year from his seat in Council expressed in strong terms his disapproval of this arbitrarily unfair treatment, and before he laid down his office unburdened his bosom thuswise: "My views with regard to the contract system have more than once been plainly expressed in the Council and I will not therefore repeat them. Only I will say they remain unchanged. All I can further say on this subject is that, I believe, some modification of the financial contract system in the direction of decentralization is still under the consideration of the Government of

India and of Her Majesty's Government." Sir Arthur Havelock hoped for an arrangement less one-sided than the one that existed in his time. But this modest and most reasonable hope of his was not destined to be realized. The Government of Madras has had to exclaim loudly against the arbitrary manner in which its finances had been crippled. Our Government has protested in vehement terms against the justice of its being permitted to retain only 28½ per cent. of its revenues and pleaded for more; but the Supreme Government has replied that in future Madras will be allowed to keep only 25 per cent.

Such has been our past history. Honourable Members may see how we stand now. In appendix A of the memorandum is entered the large figure of 59.66 lakhs

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under the head of Adjustments, while the corresponding figure in the contract period which has just expired was only 16.46 lakhs. But this apparent liberality, My Lord, can mislead none who knows anything about how these "Adjustments" figures, as they are called, are arrived at. At the beginning of a contract period, the Government draws up a statement of the normal expenditure of a province and then proceeds to find an income to correspond by assigning to it certain items of revenue in whole or in part. When the total of the revenues so assigned falls short of the estimated normal expenditure, a lump sum is given to meet this deficit which in the accounts is called "Adjustment" and which thus can be made large or small without its affecting the total amount available for Provincial expenditure one way or the other.

The next item which bulks largely in the Financial Statement of this year is the non-recurring grant of twenty lakhs for "Survey and Settlement". I don't know, My Lord, whether we are to congratulate ourselves or whether I am to felicitate the people of this Presidency upon this seemingly extraordinary bounty on the part of the Supreme Government. The Settlement department is associated, and not without just grounds, in the minds of the people with the enhancement of the land-tax on a considerable scale. The special grant of twenty lakhs cannot but give a great impetus to operations of this department, which must be regarded by the poor ryot with grave anxiety. At any rate this bonus on the part of the Government of India cannot be regarded by the people with satisfaction - no, not even with equanimity - but as an excellent stroke of business, a profitable investment which will have the effect, within no distant date, of making permanent and considerable additions to the land revenue of which, under the terms of the new settlement that Government--I mean the Government of India—is to have a three-fourths share.

But our position is such that we have to be thankful even for small mercies. And accordingly, My Lord, I am grateful to the Government of India for the several small doles—or shall I, with better grace, call them benevolences?—that have been meted out to us in the new settlement. Rs. 75,000 and Rs. 50,000 a year have been given for the relief of certain local bodies, and for agricultural experiments. The Government of India has also undertaken to provide for the reorganization of the district administration. In this connection I note that Górávari and Kistua are to be constituted into three districts. But nothing is said about Madura where administrative work has greatly increased since the introduction of the Periyár project. I believe that some time back proposals were made by the Collector of Madura for giving relief to its administration by the constitution of another district. I am not aware of the action that has been taken on these proposals. The appointment of an additional District Magistrate is not sufficient to relieve the share of its past administration which demands the urgent attention of Government which I earnestly invite.

Another satisfactory feature in this year's budget, My Lord, is the decision of the Government to relieve local bodies of the contributions hitherto levied from them on account of the education of medical subordinates and of sanitary inspection agencies. This is as it ought to be. The Madras Local Boards have been treated with special unkindness in the past as compared with the Local Boards in other provinces. But even here the bounty of the Government has been marred by certain fresh charges which these bodies have been required to meet in the future. I shall not be far wrong if I say that what the Government has given with the one hand it has to a great extent taken away with the other. For the Government intends to recover from them their share of the expenditure on the buildings connected with the vaccine section of the King Institute of Preventive Medicine that has lately been established at Guindy as well as of the working expenses of the institute.

The Excise revenue, especially under "Country spirits" and "Toddy", has gone on increasing year by year, and it is estimated that the receipts during the current year under these heads will be larger than in the year that has just come to a close. It is claimed in some quarters that this is proof positive of the growing prosperity of the people. It seems to be assumed much too hastily that the people are getting so rich, and that so rapidly, that they have more money than they will know what to do with and that they lay out their superfluous cash in drink. Even if this were so, it would be a most deplorable state of things. But it is far otherwise, as every one knows who has an intimate acquaintance with the squalor, the poverty and the ignorance of the bulk of the people in villages. That the increase of revenue occurs mainly under country spirits and toddy, if it shows anything, shows, My Lord, that drunkenness is increasing among the lower classes,—the peasants, proprietors, the agricultural labourers, the rural artisans, etc.,—who are and ought to constitute the mainstay of the country, but who under an abkari policy which looks for revenue alone are being debased and degraded. The policy is professedly one of maximum of revenue with a minimum of consumption, and a qualified form of local option is supposed to be enjoyed by the people of this Presidency. But if local option exists at all, it does, My Lord, in the most diluted and innocuous form. Municipal Councils and Local Boards are supposed to be consulted about the location of liquor shops, but their suggestions are more often honoured in the rejection than in the acceptance of them. There is no doubt the Standing Order of the Board of Revenue, that the sites of (liquor) shops should as far as possible be kept at a distance from market places, bathing ghats, schools, hospitals and places of worship, factories and places of public resort. And this order has been standing these dozen years doing absolutely no good. It would be interesting to collect information as to how many of the thousands of drink shops scattered over the province are situated within a hundred yards of the prohibited places. It would reveal, My Lord, a state of things that should astonish the Government. It would show that the written instructions of Government and the performances of its executive officers are as the poles asunder. In the town of Madura alone there are no fewer than twenty grog shops where, according to the order of Government, they ought not to be found. Along every crowded thoroughfare, at every available exit from towns and at the entrance into numberless villages are found these shops, and he must be a workman of an exceptionally strong will indeed who succeeds in resisting so many temptations on his way home to his village and carries the wages of his day's toil in the adjoining town undiminished by the inroads of the licensed tavern-keeper. I have often fancied what a debt of gratitude the Government would place the poor of this province under to itself if it refused to place drink—the certain means of economic ruin—within easy reach of them, but displayed its solicitude to provide them with the means of economic improvement. I implore you, My Lord, to take early steps for the carrying out, by the officers of Government, of the order of Government which I have quoted above in the spirit in which it has been framed, instead of taking advantage of the saving clause "as far as possible" and making what ought to be exception to the rule.

Coming next to receipts from Income-tax, it is found that it had been calculated this would yield during the last financial year over six lakhs and a half less than what it produced in 1902-1903 in consequence of the taxable minimum having been raised from Rs. 500 to Rs. 1,000 a year. Actual experience has shown that this was an over-estimate, the revenue under this head being much in excess of the anticipated amount. I intended to interpellate Government for information on this point, but feeling it to be the easier course to apply for it in writing, I did so on the 5th, and three days ago I got the information which two of my Honourable Colleagues have this day been furnished by interpellation. We are told that the number of assesses below Rs. 500 in the year 1902-1903 was 60,256, and that the income-tax collections derived from them amounted to Rs. 6,79,042. The absence of information which is not at present available to Government regarding the number of assesses and their income since the minimum was raised to Rs. 1,000 prevents me from instituting a comparison between the two states of things; and I am therefore unable to direct my observations as to the exact method of suggesting an improvement. However, how such good results are achieved from the tax-gatherer's point of view is a matter for serious consideration. The work of assessment is usually left to be performed by underlings of the Revenue department, most of whom honestly think that their promotion depends upon the "good results" they show which they not unnaturally imagine can be done only by bringing as large a number of persons as possible under assessment. The raising of the taxable minimum a twelve month ago was intended to give a much-needed

relief to persons of moderate income; and it would throw a flood of light on the question of how far the desired effect has been produced, if reliable information could be obtained as to how many of the individuals, excluding those in receipt of fixed monthly salaries, assessed at incomes between Rs. 500 and Rs. 1,000 in 1902-1903 continued to be on the income-tax register last year.

The district of Madura stands, perhaps, next to Madras in the matter of heavy income-tax collections. In the firkas of Tiruppattur and Tiruvadanai, the work is done by the hard-worked and low-paid Deputy Tahsildar. It is very necessary that this important work is taken out of him and placed in the hands of a special officer of the Deputy Collector's grade, who will certainly have the time to hold greater scrutiny of accounts and secure fairer and more satisfactory income-tax assessments after personal enquiries, and I take leave to press this matter on the attention of Government. If the trial in the district of Madura is a success and an improvement upon the existing state of things, it may be extended to such other places as may be found necessary. For aught I know the trial, if made, will (I say this on close observation and on an intimate knowledge of the situation) bring more grist to the mill, while the burden of taxation will be more evenly and justly distributed instead of being as it is—the deserving men being scotfree or under-assessed and the undeserving bearing the brunt of it and being over-assessed.

The separation of the executive from the judicial functions, in which an important step has been already taken by the Government, is a subject which had been urged so often upon this Government that I need do no more on the present occasion than make a passing reference to it. The Stationary Sub-Magistrates, who are amply justifying their creation, ought to be increased in numbers with at least the pay of a District Munsif, and a portion of the Indian Civil Servants ought to be set apart for the judicial line with special training for the same. While on this subject I must congratulate the Government upon the provision that has been made in the year's budget for increased establishments in Munsifs' courts, for raising the pay of second and third class process-service peons, and for the reclassification of central nazirs and the appointments of assistants to them. They are all of them an exceedingly hard-worked class of public servants; and the relief that is now proposed to be given to them will come to them none too soon. The two additional temporary sub-courts at Tanjore and Coimbatore will, I think, shortly have to be brought on to the permanent list. My Lord, I wish to suggest in this connection that it is not enough to increase the establishments in Munsifs' courts. The number of these courts is not sufficient for the prompt, speedy and at the same time satisfactory disposal of suits. The District Munsifs are an extremely hard-worked class of officers who deserve consideration at the hands of Government. In consequence of the large mass of work that they are required to do, they are forced to be content with a much shorter summer recess than Sub-Judges and District Judges. In most of the courts the file is so heavy that the Munsifs have to sit in courts trying cases by lamp-light, besides having to write judgments and prepare cases at home. The result is that the office is becoming less and less attractive year after year to the really intelligent young men whether at the bar or elsewhere. No time ought, in my opinion, to be lost in making this important office more attractive by increasing the number of Munsifs' courts and thereby bringing their work within manageable proportions and, secondly, by making their pay and promotion decidedly better than it is now. A Deputy Collector, for instance, begins on Rs. 250 a month, and in the ordinary course rises to the Rs. 400 grade in less than ten years. But a Munsif, whose general qualifications are no wise inferior and whose work is of a no less responsible kind, has to start on Rs. 200 and cannot get confirmed in the first grade in less than twenty years. Improvement on these lines is urgently needed, and I beseech, My Lord, that it may be taken into early consideration by Government.

In my remarks on the budget of the year before the last, I drew the attention of the Government to the inadequate grants-in-aid given to schools and colleges—sums far short of what they might claim under the Government Code. I am glad to note this year an increase in the provision under grants-in-aid in order to meet the demands for new and increased salary and rent grants to colleges and schools and increased payments of results and fixed grants. My Lord, if the many improvements suggested in the Government of India's resolution recently issued are to be carried out in the spirit in which they have been conceived, a great deal more will have to be spent on education than the Government may be prepared or can afford to spend. No improvement worth the name can be effected in primary education without an almost complete overhauling of the training schools that are scattered up and down the Presidency.

These schools as they have existed till now are, I have no hesitation, My Lord, in saying, costly agencies out of which have come little good. But at last in the person of Mr. Stone we have got an Inspector of these schools who can give his almost undivided attention to the improvement of this class of institutions. I am informed that already he has energetically set himself about to shake them out of the torpor in which they had fallen for years and whip them into something like activity. It is to be earnestly hoped that he will not rest until he has brought them into a line with the most advanced schools of the same standard in Germany and the United States of America. But this cannot be done unless the Government be prepared to incur a heavy outlay of money.

Next to the improvement of the training institutions comes in importance the betterment of the pay and position of the primary schoolmaster, who in many instances, it would hardly be believed, is paid the paltry pittance of four rupees and five rupees a month.

No less important is the provincialisation of the staff of Supervisors of primary schools and the recruitment of them from a better and more highly educated class.

But all this will avail little unless the class of Sub-Assistant and Assistant Inspectors is improved by the appointment to these offices of a better class of men than those that have been pitchforked into them till now. In the resolution already referred to the Government of India says that "the reduction in the number of examinations which is being carried out, and the general raising of educational standards which is contemplated, demand an increased stringency in inspection and a substantial strengthening of the inspecting staff." It must be borne in mind that this strengthening should be not of number alone but of quality. For, as the resolution proceeds to note "the Inspectors should be much more than mere examiners. They should not only judge the results of teaching, but should guide and advise as to its methods." It is therefore desirable that the persons who are appointed Sub-Assistant and Assistant Inspectors should have had a fair amount of experience in the teaching of high school and college classes. The undue haste with which the Madras Government gave effect to the recommendation of Lord Ripon's Education Commission to withdraw from the direct management of higher education soon left the Government with no high schools and with a very few colleges of their own. When this change came about, the Educational department ought to have adopted the policy of recruiting their subordinate inspectors from the experienced teachers and professors on the staff of high schools and colleges managed by Local Boards and private agencies which had taken the place of the Government institutions. Such a policy would not only have supplied the department with a regular stream of qualified officers, but would have attracted to the service of the schools a body of capable men stimulated to put forth their best efforts in the hope of being taken on to Government service if they did well. But the old policy which worked well enough under the old conditions was clung to by the department with the result that the subordinate agency has gradually deteriorated in quality in consequence of the very limited field of choice to which it needlessly restricted itself, until it has ceased to have that hold on the estimation of the public which it held formerly and which it is extremely desirable in the interests of the spread of education that it should. I sincerely trust, My Lord, in making the new appointments to the additional Assistant Inspectorships and Sub-Assistant Inspectorships awaiting sanction, the claims of qualified and experienced teachers in the well-established and successful private schools and colleges will not be lost sight of and that the present opportunity will be availed of to strengthen the inspecting agency by a liberal infusion of the much-needed fresh blood.

Turning then to technical education, it must be admitted that not much has been done in this direction till now. Paragraph

5 P.M.

I of the resolution of India on the subject aptly says that what has been done till now in the case of industrial schools has been due to casual efforts of local bodies rather than to any sustained policy on the part of Local Governments. That a great deal must be done in this direction if the material prosperity of the country is to be really improved goes without saying. We have to congratulate ourselves on the Government of India having instituted scholarships for students to go to Europe to get themselves trained for some industry or other. I hope, My Lord, that ere long Your Excellency's Government will be able to announce to the public what industries are students from Madras expected to take up and what encouragement this Government proposes to give them. To make the people benefit fully by this scholarship, I am inclined to think that the condition of our industrial schools has greatly to be improved. Even as at present constituted, they have done fairly good

work. This is, however, much short of what is expected of them. They must be made more attractive to the artisan boys who do not at present see clearly the advantages they derive by going to such schools. By handsome scholarships, the poor boys and their parents must be induced to give up their small earnings at home and go to schools. When once they practically see the difference between the boys trained in such schools and the boys trained at home, they would naturally come in without any extraneous attractions or stipends. Another point that requires attention is that these schools are not worked on a continued policy. They are at present under Local Boards or mission agencies subject to inspection by Government officers. Each manager has his own hobby which naturally changes after him. The recent idea of Government to establish pumping stations for irrigation purposes with oil-engines is an excellent one. The trial of the experiment is properly begun with the lending of the engines to a few individuals in the Presidency. But as time rolls on and as the knowledge of the advantages gets diffused over the country, pumping stations without number ought to be brought into existence and water made available even to poor ryots who cannot afford to pay the costly machinery but who will somehow find it within their power to pay for the perennial water with which they can produce valuable garden crops. It may not be out of place here to observe that, apart from the theoretical, technical knowledge which is imparted in schools and colleges to a few, practical agricultural knowledge of an improved order has necessarily to be acquired by the many. There are very many who, not having passed the required preliminary examinations, could not join the agricultural schools or colleges, but still with practical training and improved ideas will be valuable adjuncts to the advancement of agriculture. The number of such practical men must be increased to any extent by hundreds and by thousands. Steps ought to be taken to impart instruction to such people and classes opened for their benefit.

Under the head of Registration in the Financial memorandum under consideration, it is stated, with reference to the revised estimate for 1903-1904, that "there has been a fall under the item of fees for registering documents". This fall is explained to have been the "result of the season being favourable for agricultural operations". I am afraid, My Lord, this explanation is without sufficient warrant. Indeed the question of the causes of the decline and rise of registration seems to be still a vexed one and incapable as yet of receiving a certain and definite answer. The consequence is that, year after year, surmises and conflicting statements are made; for example, in the report of that department for 1897-98, the increase is attributed among other causes to the unfavourable character of the season. While, in the corresponding report for the preceding year, the unfavourable season was held responsible for the decrease. The Government, in reviewing this latter report, remarked that "the value of the Inspector-General's conclusions on the whole is somewhat discounted by the fact that the unfavourable season is, in some instances, assigned as the cause of rise and, in others, of a fall in the number of documents registered." Nor are these solitary instances. Such contradictory statements and explanations occur throughout. The subject is an important one and needs to be carefully and thoroughly investigated. A great deal of valuable information lies locked up in the massive almirahs of the Registration department. Some years ago, an attempt was made to ascertain therefrom the economic condition of the people by the late lamented Srinivasa Raghava Aiyangar, but it has now been given up, the reason obviously being the enormous quantity of work entailed thereby and the unwillingness of the authorities to sanction the additional establishment needed for the purpose. A few more clerks for each district would suffice. The scriptory work of the department being continually on the increase, it is found that the existing establishment is unable to take up this additional work. Now that the registration revenue has been made wholly Provincial and that it is a rapidly expanding revenue, the Government ought not to grudge this additional expenditure.

There is an enormous increase caused by the order of the High Court insisting on the production of encumbrance certificates in cases of execution of decrees against immoveable property. Against this additional revenue, no charge is incurred except the appointment of a few additional clerks. This is, therefore, the best opportunity for giving relief to the public by reducing the fees for encumbrance certificates. The matter was brought to the notice of Your Excellency's Government in my remarks upon the last but one year's budget. The matter has also been repeatedly pressed upon the attention of Government by funds and nidhis in the various districts. Section 58 of the Registration Act authorizes the Local Government to fix the scale of fees, but the approval of the Viceroy has to be obtained. The registration revenue

having now been made wholly Provincial, the Governor-General in Council can have hereafter no objection to the reduction of fees as their revenue will in no way be affected thereby.

His Excellency the PRESIDENT:—I am sorry to interrupt the Honourable Member, but I should like to know how much time he is likely to take. I have made it a rule that we should close our sittings at 5 o'clock every day. Will the Honourable Member continue his remarks to-morrow or put in the paper?

The Hon'ble G. SRINIVASA RAO:—I will continue my remarks to-morrow. I have some fifteen pages more to read.

His Excellency the PRESIDENT:—I propose to adjourn this meeting until 12 o'clock to-morrow. I understand that to-morrow is the Tamil New Year's day and it will be inconvenient for Indian Members to attend before 12. But on subsequent days—we shall have to meet for two or three days—I propose that we shall meet at 11 o'clock and adjourn at 5 o'clock. I consider that a six hours' session with the usual interval is quite enough with the thermometer standing as high as it does at present. The meeting is therefore adjourned until 12 o'clock to-morrow.

ANNEXURE.

MEMORANDUM TO ACCOMPANY THE FINANCIAL STATEMENT OF THE GOVERNMENT OF MADRAS FOR THE YEAR 1904-1905.

The transactions with which this statement deals are those which, under the Provincial settlement, have been placed under the control of this Government. Appendix A exhibits the actuals under Provincial funds for 1902-1903, the budget and revised estimates for 1903-1904 and the budget estimates for 1904-1905.

Amounts are expressed throughout this statement in lakhs of rupees.

I.—Accounts, 1902-1903.

A complete review of the transactions of the year has already been published in the Accountant-General's appropriation report recorded in the proceedings of Government, Nos. 214-5, Financial, dated the 17th March 1904, which were placed on the Editors' table.

II.—Revised Estimate, 1903-1904.

The year 1903-1904 opened with a balance of 42.71 against 44.91 anticipated at the time the budget was framed. The receipts, which were originally placed at 352.80, are expected to be better by 71.35, while it is anticipated that the expenditure, which stood in the budget at 374.30, will show a saving of 4.31.

The variations between the budget estimate and the revised estimate for 1903-1904 are explained under the several major heads in section IV of this memorandum. It is therefore only necessary here to notice the main differences.

Revenue.—The increase in the receipts is due to a contribution of 10.25 from Imperial funds received at the beginning of the year for expenditure on minor irrigation works, and to the following special contributions from Imperial received at the close of the year:—

(a) 30 with the object of starting the local Government in the new settlement with a substantial balance;

(b) 20 for special expenditure during the next few years on "Survey and Settlement" for which the settlement does not make separate provision; and

(c) 3 granted to this Government with the object of enabling them to carry out certain useful minor works which have hitherto been postponed or have not been brought forward either from want of funds or in view of the more pressing claims of other works.

Of these special contributions a sum of 4 from (b) has been made available for expenditure in 1904-1905 under the head 3. LAND REVENUE and a further sum of 6 from (a) under 45. CIVIL WORKS, under which major head the contribution (c) of 3

has also been placed. These special grants have been thus allocated as a matter of convenience and the amounts are liable to be transferred at the discretion of this Government for expenditure under other heads.

Other causes which contributed to raise the total revenues for the year, *e.g.*, the improvement in the receipts under LAND REVENUE, EXCISE, ASSESSED TAXES, REGISTRATION, COURTS OF LAW, POLICE and SCIENTIFIC AND OTHER MINOR DEPARTMENTS, are noticed separately under those heads in section IV of this statement.

Expenditure.—The difference between the total budget grant and the revised estimate for this year is, as stated above, 4.31; but the inclusion of the additional grant of 10.25 for minor irrigation works, which was made by the Government of India after the budget was finally settled, raises the actual lapse on the grant so altered to 14.56. These lapses are expected mainly under LAND REVENUE (1.42), SALT (.31), FOREST (1.05), COURTS OF LAW (1.11), JAILS (1.06), POLICE (.47), EDUCATION (2.01), MEDICAL (.51), SCIENTIFIC AND OTHER MINOR DEPARTMENTS (2.25) and CIVIL WORKS (3.83), as explained under the respective heads in section IV of the memorandum. Further, the Public Works department have not been able to utilise under MINOR WORKS AND NAVIGATION 2.79 of their total grant. On the other hand the head 32. MISCELLANEOUS shows an excess of 1.76 mainly due to grants to municipalities in aid of their balances and the head CONTRIBUTIONS is responsible for an excess of 2.63 in consequence of special grants made to district boards for expenditure on feeder roads and roads leading to railways and for the improvement of village water-supply.

III.—Provincial Settlement.

Before discussing the budget estimate for 1904–1905, it is necessary to refer to the Provincial Settlement which is to come into force on the 1st April 1904.

The general lines of the settlement are best gathered from the following extracts from the Financial statement of the Government of India :—

“39. * * The object of the arrangements now proposed is to give us great permanence as possible to settlements, so that Local Governments may be able to form plans involving expenditure with greater certainty as to future means of providing for their execution, and at the same time have a more permanent interest in the growth of assigned revenues. It is evident that the Imperial Government cannot undertake any absolute obligation to maintain at all times a definite proportion between the share of increase of revenues assigned to Provincial administration and that which it is necessary to retain to meet the growth of Imperial expenditure, and it must always reserve the right to make either special temporary or more permanent reductions from Provincial revenues, if the exigencies of the State should require such measures. It must also be borne in mind, in apportioning shares of revenue to different Provinces, that a larger proportionate assignment is required in the more backward Provinces than in those which are older established and more highly developed. Subject to such considerations every effort has now been made to treat Provincial Governments with reasonable liberality, and it is to be hoped that from this point of view they will find the new settlements equally satisfactory both at the outset and in future working.”

“We have been obliged to consider with special care the proportions of revenue to be assigned since any undue liberality in a settlement, which it is desired should be of long duration, would, even without abnormal circumstances, inevitably lead to a necessity for revision at a relatively early date; to enable Local Governments, pending the realisation of increased resources through the natural growth of the assigned revenues, to meet certain immediate requirements, in easy circumstances, it has been decided to accompany the new conditions by large initial grants.”

Extract from Memorandum by the Financial Secretary to the Government of India, forming Part II of the Financial statement.

“211. * * Firstly, it has been decided to give the Local Governments a permanent, instead of a merely temporary interest in the revenue and expenditure under their control. Secondly, the assignments to the local Governments will include a slightly smaller share of growing revenues.

“Thirdly, this share has been calculated so that each Province separately, and all the Provinces taken together, shall be placed in possession of an amount of growing revenues which bears approximately the same proportion to the Provincial expenditure as the Imperial share of growing revenues bears to Imperial expenditure. With some small exceptions the actual heads of revenue which are either Imperial, Provincial, or divided, have been left unchanged, but the Provincial shares of the divided heads have been altered in accordance with the principle stated above. When any head of revenue is divided between Imperial and Provincial the corresponding head of expenditure has ordinarily been divided in the same proportion.

“212. In applying these principles to the actual figures, it was found that the aggregate Provincial expenditure represented rather less than one-fourth of the whole, while the Imperial expenditure, which includes the army and the home charges, was in excess of three-fourths. These proportions have accordingly been taken as the basis of the division of revenue between Imperial and Provincial, but numerous adjustments have been necessary—(1) to make allowance for the heads of revenue which are wholly Imperial or wholly Provincial as the case might be; (2) to allow for a larger assignment to the more backward Provinces than to those which are more advanced; and (3) to permit of provision being made for various administrative reforms and works of improvement which it is desired to undertake. Subject to these adjustments, which are specified below, it has been decided that the divided heads of revenue, and of the corresponding heads of expenditure shall be shared as follows :—

“(1) In * * * Madras, three-fourths Imperial and one-fourth Provincial :

“213. It is intended that the settlements thus made shall be permanent, in the sense that they shall not be subject to revision at the end of fixed periods. The Government of India necessarily reserves to itself, as the final authority in India responsible for the finances and administration of the country, the power to revise the settlement of any or all Provinces at any time whenever necessity may demand it. It is however the intention of Government only to exercise this power when the variations from the initial relative standards of revenue and expenditure in any Province have, over a substantial term of years, been so great as to result in unfairness either to the Province itself, to other Provinces, or to the Government of India; or in the event of the Government of India being confronted with the alternatives of either imposing additional taxation or of seeking assistance from the Provinces.

“215. The modifications that have been made in applying the scheme to are as follows :—

“*Madras.*—The Provincial share of Stamp revenue and expenditure has been raised to one-half. The revenue and expenditure under Registration, and expenditure under 3. LAND REVENUE have been made wholly Provincial. Special provision has been made in the form of a lump non-recurring grant of 20 lakhs for surveys and settlement. Grants of Rs. 75,000 and Rupees 50,000 a year have been made for the relief of certain local bodies, and for agricultural experiments, and the fixed assignment has been placed at a specially high figure. The Government of India have also undertaken to provide for the cost of reorganizing the district administration.”

The alterations that have been made in the division of heads between Imperial and Provincial are as follows :—

(i) Of the revenue under the head III SALT, only minor items—“Fees and Cesses”, “Fines and forfeitures” and “Miscellaneous”—have been Provincial under the 1897 settlement. Under VII Customs the Provincial heads have been “Warehouse and Wharf rents” and “Miscellaneous”.

Since the 1st April 1900 when the Customs department was amalgamated with the Salt and Abkari department the total expenditure on the combined department excluding the charges on account of (a) “Salt purchase and freight”, wholly Imperial, and (b) “Excise licensees’ works”, wholly Provincial, was distributed between the heads SALT, EXCISE and CUSTOMS. The head CUSTOMS was charged with 5 per cent. The remaining 95 per cent. was distributed in the proportion of two-fifths and

three-fifths between 7. **Excise** and 5. **SALT**, the charges under these two heads being again shared between Imperial and Provincial in the proportion of three-fourths and one-fourth. The charges so debited to Customs were entirely Provincial. Under the new settlement the heads **SALT** and **CUSTOMS** will be entirely Imperial. **Excise** will continue to be one-fourth Provincial, the expenditure debitable to this head being calculated in the same manner as heretofore.

(ii) The head **STAMPS**, which has been shared between Provincial and Imperial in the proportion of three-fourths and one-fourth, will, for the future, be divided equally between them. **ASSESSED TAXES** and **FORESTS**, hitherto one-half Provincial, will be one-fourth Provincial, and the head **REGISTRATION**, which has been one-half Provincial, will be wholly Provincial.

(iii) On the expenditure side, District Post charges, which have hitherto been Provincial, will be Imperial subject to the condition that when the Local Government desire that any new postal lines or service should be established for administrative purposes, which according to established principles it is not incumbent on the Post Office to provide at its own charge, they will be required to pay for such service, the payment taking the form of an adjustment through the **LAND REVENUE** head.

(iv) All charges connected with Imperial buildings have been imperialized in lieu of the arrangement hitherto existing under which expenditure on construction and maintenance of buildings for the use of Imperial departments have, in some cases, been Provincial and in others Imperial.

The Settlement further provides for—

(v) the abolition of the contributions hitherto levied from district boards and municipalities on account of (a) the education of medical subordinates and (b) sanitary inspection and vaccine agencies, and

(vi) the provincialization of the charges connected with Deputy Inspectors of Vaccination which have hitherto been *Local*.

These contributions are referred to under the heads **MEDICAL** and **CONTRIBUTIONS** in section IV of this memorandum.

The fixed assignment from Imperial to Provincial will be 59.66 lakhs as against 16.46 under the 1897 settlement; and, as above stated, in addition to the non-recurring grant of 20 for "Survey and Settlement" the Government of India have made an initial grant of 30 in order that the Local Government may start the new settlement under favourable conditions.

IV.—Budget Estimate, 1904-1905.

The year 1904-1905 is expected to open with a balance of 96.87. The receipts are estimated at 363.65 and the charges at 380.17, leaving a closing balance of 80.35 as shown in the following statement:—

		Revised, 1903-1904.	Budget, 1904-1905.
Opening balance	42.71	96.87	
Revenue	424.15	363.65	
Expenditure	369.99	380.17	
Deficit (—) or Surplus (+)	+ 54.16	— 16.52	
Closing balance	96.87	80.35	

The Provincial shares of revenue and expenditure shown in the column "Budget Estimates, 1904-1905" are the shares under the Provincial settlement which will come into force from the 1st April 1904.

REFUNDS AND DRAWBACKS *—1.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Land Revenue	24	20	25	14	30	19
Stamps	46	72	81	88	72	78
Excise	05	04	06	04	08	04
Assessed taxes	04	09	09	10	09	07
Forest	05	09	07	10	12	06
Registration	04	02	02	02	02	01
Total	88	116	130	128	133	115

* Drawbacks occur only under Customs and are wholly Imperial.

These charges are of a fluctuating nature and are not liable to any departmental control.

I.—LAND REVENUE—3.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903	1901-1902.	1900-1901.
<i>Shared.</i>						
Revenue—						
Ordinary revenue	594.33	580.46	573.46	582.56	557.69	554.56
Sale of Government estates	..	..	..	..	03	..
Sale-proceeds of waste lands and redemption of land-tax	..	60	20	42	81	116
Miscellaneous	51	94	53	1.01	83	1.01
Total ..	594.84	582.00	574.19	583.99	559.36	556.73
Provincial share (one-fourth) ..	148.71	145.50	143.55	146.00	139.84	139.18
Adjustments	59.66	94.86	31.61	42.81	61.25	16.29
Total ..	208.37	240.36	175.16	188.81	201.09	155.47
<i>Provincial.</i>						
Expenditure—						
Charges of District Administration.	42.20	41.78	41.75	41.55	41.91	42.04
Survey and Settlement	12.66	8.32	9.55	7.89	7.05	6.95
Land Records and Agriculture	5.55	4.42	4.95	3.88	3.85	3.63
Inam Commissioner	1.55	.86	.55	.28	.06	.08
Total ..	61.96	55.38	56.80	53.60	52.87	52.70

Revenue—LAND REVENUE-PROPER.—The increase in the revised estimate for 1903-1904 over the budget estimate for that year under "Ordinary Revenue" is due partly to the introduction of the settlement or re-settlement rates in parts of Malabar, Kistna and South Canara and to an improvement in the collections owing to the favourable character of the season. The enhanced revenue arising from these causes has been counterbalanced to some extent by remissions in the districts of Kistna, Cuddapah, Chingleput, North Arcot, South Arcot and Tanjore owing to floods and by larger increment remissions in Gódvári, Kistna, Malabar and South Canara.

The budget estimate for 1904-1905 anticipates larger receipts under "Ordinary Revenue" in consequence of the re-settlement of portion of the Salem district, of increases under sale-proceeds of tank-beds in Madura, of smaller increment remissions and of a decreased contribution to the Village Service fund. These increases are counterbalanced partly by a smaller opening balance.

Adjustments.—The following statement shows the details of the adjustments between Imperial and Provincial funds :—

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.
IMPERIAL TO PROVINCIAL.			
Fixed adjustment under the Provincial settlement	59.66	16.46	16.46
Initial assignment to Provincial on account of the new settlement (20.00 for survey and settlement and 30.00 for general purposes).	..	50.00	..
Special assignment for useful minor works	..	3.00	..
Maintenance of Body-guard lines in Madras transferred to the Local Government	..	.01	.01
Equivalent grant of income-tax collections in the Civil and Military station, Bangalore, transferred to Imperial	..	.17	.17
Compensation for loss of the Provincial share of the net receipts of the Tanjore District Board Railway	..	.53	.53
Recurring contribution to Provincial for increased expenditure under 22. Education	..	8.00	8.00
Additional assignment to Provincial	..	3.50	3.50
Do. do. for Minor Works and Navigation	..	10.25	..
Contribution to Provincial for its share of loss of income-tax revenue	..	3.30	3.30
Total addition to Provincial ..	59.66	95.22	31.97
PROVINCIAL TO IMPERIAL.			
Charges for freight, etc., transferred to "Salt Purchase and Freight" from "Salaries, Establishments and Contingencies"	..	.13	.13
Transfer of charges for Public Observatories and Rain-gauges to India	..	.23	.23
Total deduction from Provincial ..	..	.36	.36
NET TRANSFER TO PROVINCIAL ..	59.66	94.86	31.61

The large increase in the revised estimate is, it will be seen, due to an additional assignment of 10.25 from Imperial to Provincial funds for expenditure on MINOR WORKS AND NAVIGATION and to the inclusion in the revised estimate of (i) a lump assignment of 30 which has been granted by the Government of India with the object of starting the Local Government in the new settlement with a substantial balance, (ii) a further assignment of 20 intended to cover special expenditure during the next few years on SURVEY and SETTLEMENT for which the estimate for the Provincial Settlement does not make provision, and (iii) a special assignment of 3 for expenditure on useful minor works.

Expenditure.—For 1903-1904 the "Charges of District Administration" have been in excess of the budget estimate chiefly as a consequence of the absence of a smaller number of senior officers on leave out of India than was contemplated when estimates were framed. Special provisions were included under "Survey and

Settlement", "Land Records and Agriculture" and "Inam Commissioner" for the expansion of departmental operations, but it has not been practicable to utilize the allotments fully. Under "Land Records and Agriculture" the saving is mainly due to the fact that the staff of Land Records tahsildars and inspectors is being recruited in batches. The excess in the revised estimate under "Inam Commissioner" arises from advances made for meeting the cost of labour and stones required for the survey and demarcation of village service inams in proprietary estates.

In the budget estimate for 1904-1905 provision has been made under "Charges of District Administration" for the constitution of Gódvári and Kistna into three districts. In consequence of the reorganization of the Revenue Survey department in connection with the formation of a separate Land Records staff the provision has been raised both under "Survey and Settlement" and "Land Records and Agriculture". Under "Inam Commissioner" provision has been made for temporary establishments required for the special Deputy Collectors engaged on the settlement of village service inams in proprietary estates and for the cost of labour and stones required for the survey and demarcation of those inams.

III.—SALT—5.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	..	.82	1.10	.99	1.03	1.06
Expenditure	..	3.95	4.26	3.85	3.94	3.92

On the introduction of the new Provincial Settlement this head will be entirely Imperial. It is necessary therefore to refer only to the figures of the revised estimate for 1903-1904.

Under *Revenue* the fall occurs under "Fees and Cesses" the receipts under which vary with the expenditure on works undertaken by Government on behalf of the licensees in excise factories and with the sales of excise salt.

The drop in the revised estimate of *Expenditure* for 1903-1904 is noticeable chiefly under *Supplies and Services* particularly in the items "Petty works of construction" and "Rewards" and under the head "Excise Licensees' works". In the case of "Rewards" the saving has been caused by instructions recently issued by the Board of Revenue restricting rewards. The expenditure under "Excise Licensees' works" depends on the number of excise factories working.

IV.—STAMPS—6.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	42.50	63.37	63.75	61.86	65.17	64.24
Expenditure	1.65	2.55	2.55	2.45	2.56	2.42

The figures under this head are the Provincial shares of the total revenue and expenditure under the major head. In the budget estimate for 1904-1905 that share represents, under the terms of the new Provincial Settlement, one-half of the total receipts and expenditure, whereas the figures in the remaining columns of the foregoing statement represent three-fourths of the total.

Revenue.—Taking the total figure (Imperial and Provincial) the revised estimate for 1903–1904 (84·50) shows a drop of ·50 when compared with the budget estimate. This has been caused by a fall in the receipts under “Court-fee Stamps” and “Duty on impressing documents” partially counterbalanced by an increase under “Sale of General Stamps.” The budget estimate for 1904–1905 under the major head is the same as the budget estimate for 1903–1904 (85).

Expenditure.—There has been an increase in 1903–1904 under “Charges for the sale of general stamps” owing to large expenditure on account of discount on sale of general stamps, but this has been counterbalanced by a decrease under “Stamp paper supplied from central stores”. This large expenditure is not anticipated in 1904–1905.

V.—EXCISE—7.

	Budget estimate, 1904–1905.	Revised estimate, 1903–1904.	Budget estimate, 1903–1904.	Accounts.		
				1902–1903.	1901–1902.	1900–1901.
Revenue	44·12	43·87	38·87	39·04	35·77	33·97
Expenditure	2·54	2·48	2·57	2·43	2·50	2·52

Revenue.—The receipts in 1903–1904 have shown a progressive increase over the receipts of the previous year under all heads except “duty on ganja,” and mainly under “country spirits” and “toddy revenue.” The budget estimate for 1904–1905 takes credit for larger receipts under the latter two items.

Expenditure.—Five per cent. of the charges of the combined department of Salt, Excise and Customs, exclusive of the charges relating to (i) “Salt purchase and freight” and (ii) “Excise Licensee’s works”, is debited to the head 9. Customs and two-fifths of the remainder are debited to 7. Excise, the Provincial share under which remains at one-fourth in the new settlement. The charges under the major head 7. Excise therefore depend on those under the head 5. SALT.

VII.—CUSTOMS—9.

	Budget estimate, 1904–1905.	Revised estimate, 1903–1904.	Budget estimate, 1903–1904.	Accounts.		
				1902–1903.	1901–1902.	1900–1901.
Revenue	..	·84	·83	·83	·94	·92
Expenditure	..	2·75	2·76	2·71	2·75	2·74

The receipts and charges under Customs will be wholly Imperial in the new Provincial Settlement.

VIII.—ASSESSED TAXES—10.

	Budget estimate, 1904–1905.	Revised estimate, 1903–1904.	Budget estimate, 1903–1904.	Accounts.		
				1902–1903.	1901–1902.	1900–1901.
Revenue (Income-tax)	6·25	12·25	11·83	14·80	14·34	13·79
Expenditure (Collection of Income-tax).	·07	·16	·16	·16	·15	·15

In the new Provincial Settlement the Provincial share of the receipts and charges under this head will be one-fourth instead of one-half as hitherto.

Revenue.—Taking this fact into consideration, it will be seen that both the revised estimate for 1903–1904 and the budget estimate for 1904–1905 count upon an increase in the revenue as compared with the budget for 1903–1904. As explained in the Financial memorandum for 1903–1904 the budget estimate for that year counted upon a drop of 6·60 in the total revenue (Imperial and Provincial) under this head as a result of raising the taxable minimum to Rs. 1,000 *per annum*. This deficit has been overestimated, and to this cause and to better collections the increase may be attributed.

Expenditure.—Income-tax establishments have been revised in consequence of the raising of the taxable minimum income.

IX.—FOREST—11.

	Budget estimate, 1904–1905.	Revised estimate, 1903–1904.	Budget estimate, 1903–1904.	Accounts.		
				1902–1903.	1901–1902.	1900–1901.
Revenue	6·75	13·25	13·00	13·07	12·71	11·70
Expenditure	5·13	9·00	10·05	9·18	8·55	8·58

Under the new settlement the Provincial share of the revenue and expenditure under this head will be one-fourth as against the share of one-half in the present settlement.

Revenue.—The increase in the revised over the budget estimate for 1903–1904 is mainly on account of the removal of larger quantities of firewood and charcoal by consumers and purchasers in the Nellore, North Arcot, South Arcot, Trichinopoly and North Salem districts, partly counterbalanced by a decrease under “Timber and other produce removed from the forests by Government Agency”, chiefly in the Central Circle, owing to the cessation of the demand for railway fuel in certain districts.

The total budget figure (Imperial and Provincial) for 1904–1905 is 27·00 against the revised estimate of 26·50 and the budget estimate of 26·00 for 1903–1904. The revenue is increasing gradually.

Expenditure.—The saving on the budget estimate of 1903–1904 arises from the abandonment of a proposal to acquire certain private forest land in Malabar and from the curtailment of departmental operations in consequence of the decreasing demand for railway fuel referred to above. Additional expenditure has been necessitated by more extensive elephant-catching operations in the Southern Circle, by the purchase and keep of additional live-stock and by larger outlay on communications and buildings.

The total of the budget estimate for 1904–1905 (Provincial and Imperial) is 20·50, and provides for increased expenditure to secure the anticipated increase in receipts, and for additional outlay on live and dead stock, on communications and buildings, and on the purchase of a steam launch.

X.—REGISTRATION—12.

	Budget estimate, 1904–1905.	Revised estimate, 1903–1904.	Budget estimate, 1903–1904.	Accounts.		
				1902–1903.	1901–1902.	1900–1901.
Revenue	15·60	7·80	7·14	7·19	7·25	7·24
Expenditure	9·20	4·50	4·50	4·36	4·38	4·32

The Provincial share of the revenue and expenditure under this head is one-half at present. Under the new settlement the head will be wholly Provincial.

Revenue.—The revised estimate for 1903-1904 counts upon increased receipts under "fees for general searches" partly due to the opening of additional registration offices, but mainly to a civil rule of practice which came into force on the 1st September 1902 and made it compulsory for an applicant for the sale of immoveable property in the execution of a decree to cause a search to be made in the office of the Registrar of the District or sub-district in which the property is situated, the period covered by the search together with any previous search made in the suit to be not less than 12 years prior to the date of sale. The budget estimate for 1903-1904 did not provide sufficiently for this increased revenue. On the other hand, there has been a fall under the item "fees for registering documents" as a result of the season being favourable for agricultural operations.

The receipts under this head depend chiefly on the state of the agricultural season, and the budget estimate for 1904-1905 is based on the revised estimate for 1903-1904.

Expenditure.—The budget estimate for 1904-1905 includes, as usual, provision for new sub-registry offices and for strengthening establishments in existing offices.

XII.—INTEREST—13.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	2-35	2-44	2-34	2-27	2-36	2-36
Expenditure	1-95	1-83	1-91	1-82	1-80	1-80

The revenue under this head represents the interest received by the local Government on loans and advances made from the Provincial advance and loan account to cultivators, land-holders and notabilities and to mufassal municipalities and local boards. On the other hand, the interest at $3\frac{1}{2}$ per cent. which the local Government pay the Government of India on sums from time to time placed at their disposal for making these advances and loans is shown as expenditure under this head; this interest being calculated on the mean between the outstanding balance of the Provincial advance and loan account at the beginning and the outstanding balance at the end of each year. The Provincial advance and loan account itself is not included in the terms of the Provincial settlement, the sums placed at the disposal of the local Government for loans and advances being in addition to the settlement assignments, and fixed annually by the Government of India on a consideration of their available resources and of the demands thereon.

Appendix C contains the details of the amounts advanced under the several classes of loans, while detailed account No. 13-A in the Civil Budget Estimate furnishes complete information regarding the rates of interest charged.

The Tinnevely district board, which has resolved to levy a special cess for the promotion of the construction of railways, expects to be in a position to utilize a loan of 2 in 1904-1905 on the construction of a railway line from Tinnevely bridge to Tiruchendúr. The interest on this loan enters into the figures given above.

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POST OFFICE—15.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Expenditure	..	1-07	1-07	1-05	1-06	1-05

District Post charges will be *Imperial* under the new settlement.

GENERAL ADMINISTRATION—18.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Expenditure	10-24	10-39	10-29	12-94	10-28	10-07

The excess in the revised over the budget estimate for 1903-1904 is due to the payment in the current year of charges proper to the previous year, to the grant of privilege leave to the Chief Secretary to Government and to the deputation of officers on special duty in the Secretariat in connection with the revision of the Madras Famine Code and in the Board of Revenue in connection with the organisation of an improved department of agriculture and cognate subjects.

The budget estimate for 1904-1905 is based mainly on the revised estimate for 1903-1904 after eliminating abnormal items.

XVI-A.—LAW AND JUSTICE—COURTS OF LAW—19-A.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	7-77	7-93	7-61	7-55	7-55	7-31
Expenditure	49-60	48-30	49-41	47-71	47-73	47-92

Revenue.—An increase is anticipated under "translation and printing fees" and "magisterial fines". These receipts are of a fluctuating character and the budget estimate for 1904-1905 does not count upon so large a rise under these heads as does the revised estimate for 1903-1904.

Expenditure.—The fall in the revised estimate for 1903-1904 as compared with the budget estimate is due mainly to the facts that the amount of probable savings on account of the salaries of District and Sessions Judges, Subordinate Judges and Munsifs was taken at too low a figure in the budget estimate; that the revised scale of process-serving establishment could be introduced only gradually; and that the provisions for diet and road money to prosecutors and witnesses and for the charges connected with the settlement of the boundary between British territory and Native States in Orissa have not been fully utilized.

The budget estimate for 1904-1905 includes allotments for providing type-writing clerks in district courts, for increased establishments in Munsifs' courts, for raising the pay of second and third class process-service peons, and for the reclassification of central nazirs and the appointment of assistants to central nazirs. Grants have also been entered to meet the charges connected with the scheme to redistribute the Gódvári and the Kistna districts as well as for the creation of two temporary additional sub-courts at Tanjore and Coimbatore and of an additional temporary Munsif's court at Nellore.

XVI-B.—LAW AND JUSTICE—JAILS—19-B.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	5.45	4.75	5.25	5.29	5.71	6.22
Expenditure	13.01	11.83	12.89	12.79	13.76	13.54

Revenue.—In 1900-1901 large orders were placed with the Jail department in connection with the war in South Africa and the China expedition. These orders affected the realizations from jail manufactures both in that year and in 1901-1902. Conditions in 1902-1903 were almost normal, but were slightly affected by the release of a large number of prisoners on the 1st January 1903 on the occasion of the celebration of the Coronation of His Majesty the King-Emperor. This cause and the employment of an increased number of prisoners on building operations in jails, which retarded manufacturing work to some extent, have affected the receipts of 1903-1904.

The budget estimate for 1904-1905 provides for a normal improvement in the conditions of manufacturing operations in jails.

Expenditure.—The charges in connection with jails were increased in 1900-1901 and 1901-1902 by the abnormal conditions of prison population and the high prices of food-grains. These conditions considerably altered in 1902-1903, and the outlay in the latter months of that year was further affected by the Coronation releases. The figures of the year 1903-1904 have been influenced to a larger extent than was anticipated by the releases and the return to normal conditions and as a result there have been savings under dietary charges, bedding and clothing of prisoners, and charges for moving prisoners.

The budget estimate for 1904-1905 takes into account the progress which is anticipated in manufacturing operations in jails generally.

XVII.—POLICE—20.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Actuals.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	5.90	5.90	5.46	5.64	5.76	5.52
Expenditure	50.53	49.40	49.87	48.78	47.81	46.84

Revenue.—Larger recoveries on account of the special police forces employed in the districts of Tinnevely and Madura and a rise in the receipts from fees under "Presidency Police" account for the improvement in the revised estimate for 1903-1904. The improvement would have been greater but for a fall in cattle-pound receipts.

The budget estimate for 1904-1905 anticipates smaller recoveries on account of the special police forces in the Tinnevely and Madura districts and under "Presidency Police", while increased receipts are expected from cattle-pounds and from the fact that a large number of snider rifles and carbines will be returned to the arsenal in consequence of the re-armament of the police.

Expenditure.—Compared with the budget estimate for 1903-1904 the decrease in the revised estimate is due mainly to the fact that the savings for which credit was taken on account of salaries of police officers were estimated at too low a figure, while the charges under "Cattle-pounds" for the construction and repair of pounds were overestimated.

The budget estimate for 1904-1905 provides for the increase to the police force which will be necessary if the proposals regarding the redistribution of the Górávari and Kistna districts are carried into effect and for an additional Assistant Superintendent who has been appointed as a temporary measure to afford relief to the Superintendent of Police, Bellary.

The full sanctioned scale of the Police force at the Presidency town is expected to be utilized. The police force employed on plague duties will, so far as can be now foreseen, require increase. A new provision in the budget is made for the diet of patients in police hospitals and allotments have been entered for the supply of Martini-Henry carbines in lieu of B.L.S.B. carbines, for larger outlay on petty repairs to buildings and for the construction of new boats for the Superintendent of Police, Kistna, and the Assistant Superintendent of Police, Górávari.

MARINE—21.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Expenditure	16	19	16	17	13	10

Increased expenditure has been incurred in 1903-1904 on "Landing and Shipping Charges".

XIX.—EDUCATION—22.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	2.25	2.20	2.00	2.12	2.14	1.89
Expenditure	24.00	21.97	23.98	22.75	18.27	17.68

Revenue.—Increased attendance in the Law College and in the Rajahmundry College and the consequent enhancement of revenue from fees in Government Colleges account for the rise in the receipts in the revised estimate for 1903-1904 and in the budget estimate for 1904-1905.

Expenditure.—In comparing the expenditure of the year 1902-1903 with the probable expenditure in 1903-1904, it should be noted that the figure for the former year includes the following special charges: (a) 70 contribution to the Victoria Students' hostel, (b) 25 contribution to the Kumbakonam Students' hostel, (c) 25 on account of the Delhi Darbar Arts Exhibition, and (d) 22 the cost of purchasing and fitting up the apparatus required for the physical laboratory of the Presidency College. The building grants in that year were moreover exceptionally heavy. On the other hand, payments of results grants are expected in 1903-1904 to exceed the figure of 1902-1903 by 64.

The saving on the budget estimate for 1903-1904 as shown in the revised estimate for that year is due to the facts (a) that the provisions for the revision of the scale of Sub-Assistant Inspectors and for the creation of three additional appointments of Assistant Inspectors remained unutilized, (b) that the newly-created appointment of Inspector of European and Training Schools was not filled until late in the year, (c) that contrary to expectation the appointment of Principal of the Rajahmundry College was held by a junior officer and that of Principal of the Kumbakonam College by a Provincial Service officer, (d) that the post of Professor of Civil Engineering in the College of Engineering remained vacant throughout the year, (e) that the provisions for model primary schools for boys and for the revision of the scales of salaries in girls' schools were not utilized.

schools in the Northern and Central Circles have remained unutilized, (f) that the estimate under training schools was pitched too high, (g) that a contribution of '30 for the completion of the Victoria Students' hostel was transferred from the Educational to the Public Works department budget and (h) that the reorganization of the Provincial service for which '07 was provided has not yet been sanctioned.

As in the budget estimate for 1903-1904, the budget estimate for 1904-1905 provides for the expansion of the department. While there is a decrease owing to the abandonment of the proposal in its original form to open Government model upper primary schools for boys, there is, on the other hand, an increase in the provision under "grants-in-aid" in order to meet the demands for new and increased salary and rent grants to colleges and schools, additional grants for feeding and clothing in European boarding schools and orphanages and increased payments of fixed and results grants. The budget estimate for 1904-1905 provides, as in the previous year, for the reorganization of the Provincial Educational service, for the entertainment of three additional Assistant Inspectors, for the revision of the scale of Sub-Assistant Inspectors and for improving existing Government girls' schools in the three circles of the Presidency. In addition it contains provision for a Lady Superintendent proposed for the primary department of the practising school attached to the Teachers' College.

XX.—MEDICAL—24.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	1-14	1-10	1-02	1-10	1-20	1-22
Expenditure	14-38	13-52	14-03	13-86	13-02	13-44

Revenue.—The realizations from fees in the Medical College have been higher than was anticipated in the budget estimate for 1903-1904.

The budget estimate for 1904-1905 provides for contributions of '09 from municipalities as their estimated share of the actual expenditure on the buildings connected with the Vaccine section of the King Institute of Preventive Medicine recently inaugurated at Guindy and of '09 on account of the working expenses of the institute. It has been decided to recover from local bodies the actual cost of the buildings, apparatus, etc., when completed and fitted up, in two annual instalments, the amount due by each body being calculated with reference to its receipts for the year preceding that in which the buildings, etc., are completed. No charge will, however, be made to those bodies on account of interest on the capital cost. The remaining charges of the institute, *viz.*, the cost of staff, calves, repairs to buildings, etc., are to be recovered in proportion to the quantity of lymph supplied to each local body, the proportionate cost of the quantity of lymph supplied to Government officers and to consumers outside the presidency being excluded from the total expenditure when calculating the distributable cost. The recoveries from municipalities appear under this head while recoveries from district boards are shown under CONTRIBUTIONS FROM LOCAL TO PROVINCIAL.

On the other hand, no credit has been taken in the budget estimate for 1904-1905 for contributions hitherto levied on account of the education of medical subordinates and of sanitary inspection and vaccine agencies as it has been decided to afford relief to local bodies in this direction, with effect from the 1st April 1904.

The contribution towards the education of medical subordinates dates from 1878 when it was ruled that '5 *per cent.* of the estimated assets of the local bodies for that year should be treated as a fixed contribution from district boards and municipalities to cover the excess expenditure incurred in the Madras Medical College in consequence of the arrangements which had been made in 1877 for training medical subordinates for employment in mufassal dispensaries. This percentage continued to be levied until 1887-88. Since 1888-89 the contributions have been calculated with reference to the actual charges incurred from Provincial funds in excess of the charges of 1877.

The contributions on account of sanitary inspection and vaccine agencies originated in 1879 when it was decided that a contribution of a half *per cent.* of receipts should be levied from Local and Municipal funds to meet the cost of a separate establishment to be organized for supervising sanitary and vaccine operations and for inspecting minor dispensaries. In 1883, the District Medical and Sanitary officer became, in addition to his other duties, the local adviser of district boards and municipalities in all matters affecting their medical and sanitary administration. He was also required to inspect the minor dispensaries of the local boards and to supervise the working of the vaccine and conservancy establishments. As the duties thus thrown on District Medical and Sanitary officers frequently necessitated their absence from head-quarters, an Assistant Surgeon for each district (except the Nilgiris) was appointed for medical duties at the head-quarters station in the absence of the District Medical and Sanitary officer and half the cost of these Assistant Surgeons was recovered from Local and Municipal funds in lieu of the percentage on the receipts.

Receipts from municipalities on account of these two items—'10—have hitherto been shown under this head, those from district boards—'29—being taken under CONTRIBUTIONS.

Expenditure.—The saving in the budget estimate for 1903-1904 as shown in the revised estimate is due to the facts that work in the vaccine section of the King Institute of Preventive Medicine was not commenced as early as was anticipated and that the budget provision for the new medical schools at Ráyapuram and Vizagapatam is not likely to be fully utilized. These savings have been partly counterbalanced by increased expenditure on salaries of medical officers.

The budget estimate for 1904-1905 contains a lump provision for a proposed increase in the war reserve of Civil hospital assistants. The expenditure on plague preventive measures will increase along with the spread of the disease. In the Medical College and schools, an Assistant Professor on Rs. 400 *per mensem* has taken the place of the additional Assistant Professor on Rs. 175 hitherto employed and enhanced expenditure is anticipated on instruments and chemicals for the College and on stipends to students owing to an increase in the number of Madras pupils recruited for service in Burma and to the abolition of the pre-collegiate course for all hospital assistant pupils. A provision of '36 has also been made for the provincialization of the charges connected with Deputy Inspectors of Vaccination which have hitherto been *Local*.

XXI.—SCIENTIFIC AND OTHER MINOR DEPARTMENTS—26.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue	4-90	7-65	7-00	6-09	5-57	4-86
Expenditure	7-84	7-38	9-63	8-02	6-89	6-71

Receipts.—The improvement in the revised estimate for 1903-1904 is mainly due to the inclusion therein of the purchase money paid to Government by the Indian Aluminium Company for the stock of aluminium ware at the School of Arts, the Government having relinquished direct connection with this industry. There have also been increased receipts from examination fees and from the sale of articles manufactured in the carpentry department of the School of Arts. On the other hand, there has been a fall in the realizations of the weaving department of the School, and emigration fees have been lower as emigration has not been so active as was expected when the budget was framed.

The low figure of the budget estimate for 1904-1905 is mainly explained by the cessation of operations in the manufacture of aluminium. The budget estimate calculates, however, upon larger realizations from the sale of seeds, plants, etc., in

the botanical and other public gardens on the Nilgiris, and from the School of Arts consequent on the proposed expansion of the weaving, carpentry and other departments. Examination fees are also expected to rise.

Expenditure.—The transfer of the management of the aluminium industry accounts for the larger portion of the fall in the figures of expenditure also. Other causes which have produced savings on the budget grant for 1903–1904 are the facts (a) that the Bacteriological section of the King Institute of Preventive Medicine, for which the budget made provision for twelve months, could not be started until late in the year; (b) that the provision made for the purchase of bark under Cinchona Plantations has not been fully utilized; (c) that the allotment for the acquisition of lands required for the opening of new experimental farms has lapsed; and (d) that the Agricultural Chemist for whom the budget provided has not yet been appointed. Portions of the savings thus arising have been utilised in making grants of .05 to the United Planters' Association of Southern India towards the expenses connected with the exhibition of their produce at the St. Louis Exhibition, United States of America, and of .10 towards the Madras Industrial and Arts Exhibition.

With the closing of the aluminium industry it is proposed to extend industrial instruction in other directions in the School of Arts, and accordingly increased allotments have been made in the budget estimate for 1904–1905 for the further development of the carpentry, weaving and miscellaneous sections of the School. The budget estimate also provides for the expansion of the Agricultural department in the direction of experimental cultivation and opening of model farms, for the charges connected with the education of veterinary students at the Madras Veterinary College, which was established at Vepery during 1903–1904, and for a Registrar of Co-operative Credit Societies and his establishment.

XXII.—SUPERANNUATION, RETIRED AND COMPASSIONATE ALLOWANCES—29.

	Budget estimate, 1904–1905.	Revised estimate, 1903–1904.	Budget estimate, 1903–1904.	Accounts.		
				1902–1903.	1901–1902.	1900–1901.
Revenue	.72	.70	.62	.62	.66	.54
Expenditure	18.80	18.39	18.20	17.72	17.59	17.39

Revenue.—The increases in the revised estimate for 1903–1904 and budget estimate for 1904–1905 are due to contributions for pensions and gratuities on account of officers lent to the Harbour Trust Board in connection with the harbour improvement scheme, and to larger contributions for officers lent to the Court of Wards and deputed to foreign service.

Expenditure.—The increase in the revised estimate for 1903–1904 occurs mainly under “Superannuation and retired allowances”, and is due to the saving taken for lapses by death and transfers to other provinces having proved too high. The enhanced provision in the budget estimate for 1904–1905 makes allowance for the usual growth of the pension list.

XXIII.—STATIONERY AND PRINTING—30.

	Budget estimate, 1904–1905.	Revised estimate, 1903–1904.	Budget estimate, 1903–1904.	Accounts.		
				1902–1903.	1901–1902.	1900–1901.
Revenue	.93	.93	.91	.91	.89	.88
Expenditure	10.67	10.97	11.17	10.47	9.28	9.94

Revenue.—The figures do not call for remarks.

Expenditure.—The saving shown on the budget estimate for 1903–1904 follows on a lapse in the provision for the cost of stationery supplied from central stores, which has arisen mainly from a fall in the market price of printing papers. It is also expected that the allotment for printing settlement registers at private presses will not be fully utilised. On the other hand, heavy expenditure has been incurred during 1903–1904 on the purchase of additional plant and machinery for the Government Press at Madras.

The budget estimate for 1904–1905 provides for smaller expenditure on account of freight on stores from England, as a result of the larger local purchase of writing and printing papers, and on “carriage of stationery”. The allotment for the printing of settlement registers is lower. Provision has been made for increased expenditure on establishments in the Government Press.

XXV.—MISCELLANEOUS—32.

	Budget estimate, 1904–1905.	Revised estimate, 1903–1904.	Budget estimate, 1903–1904.	Accounts.		
				1902–1903.	1901–1902.	1900–1901.
Revenue	2.35	2.03	2.67	2.55	2.21	2.30
Expenditure	2.07	3.91	2.15	2.46	1.90	1.73

Receipts.—The high figure for 1902–1903 was mainly due to a special receipt of .20 under “Unclaimed deposits” owing to the lapse to Government of compensation money deposited in court. The postponement of the pearl fishery off the Tinnevely coast, on account of which the budget estimate took credit for receipts of .50, accounts for the major portion of the drop in the revised estimate. Chank fishery receipts have fallen owing to the poor results of the chank-fishing operations and the depressed condition of the chank market and the receipts from fees for stamping weights and measures have not fulfilled expectation.

For 1904–1905 the estimate under “Unclaimed deposits”, a fluctuating item, has been based on the average receipts of the last three years and is therefore higher than the revised estimate for 1903–1904. An increase will also accrue under the head “Contributions” in consequence of a change in the method of distribution of the cost of the Local funds controlling establishment in the Accountant-General's office. This has been necessitated by the audit of municipal accounts having been converted from an annual into a half-yearly audit. The recoveries from municipalities are credited under this head.

Expenditure.—The reason for the high figure for 1902–1903 is to be found in the expenditure connected with the Provincial Police Committee which prosecuted its enquiries that year and in Coronation celebration charges debited to this head. The excess in the revised estimate for 1903–1904 over the budget estimate for that year is due (a) to the debit to this head of grants amounting to 2.10 made to municipalities on account of the unsatisfactory state of their balances, all grants to municipalities having previously been taken to the head 45. CIVIL WORKS—CIVIL OFFICERS (b) to special allotments sanctioned in connection with the recent floods in the Kistna district and (c) to the writing off of larger amounts than were expected from the loan account in the Kurnool, Cuddapah and North Arcot districts. On the other hand, there have been savings on the budget grants for pearl fishery, for chank fisheries, and for the maintenance of fishery vessels, and the allotment provided for expenditure in connection with special commissions of enquiry has not been utilized.

The budget estimate for 1904–1905 does not count upon any expenditure on the pearl fishery operations until March 1905. It includes allotments for the examination of pearl banks by an expert and for repairs to the pearl-fishery vessel “Margarita”.

XXX.—MINOR WORKS AND NAVIGATION—43.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902.	1900-1901.
Revenue—						
Civil Officers	·06	·06	·12	·06	·13	·14
Public Works Officers	1·30	1·41	1·50	1·48	1·50	1·48
Total ..	1·36	1·47	1·62	1·54	1·63	1·62
Expenditure—						
Maintenance and upkeep of Minor Irrigation Works—						
Civil Officers	5·00	5·10	5·55	5·05	4·25	4·61
Public Works Officers	36·80	41·26	35·30	41·05	31·29	30·29
Total ..	41·80	46·36	40·85	46·10	35·54	34·90

Revenue.—The drop in the receipts under the minor head “Civil officers” since 1902-1903 is due to a change in classification effected from the 1st April 1902, by means of which contributions from ryots, which form the greater portion of the receipts under this minor head, are taken in abatement of charges.

Under “Public Works officers” the decrease in the revised estimate for 1903-1904 as compared with the budget estimate for that year has been caused by a fall in the receipts under the Madras water-supply and irrigation extension project and by the transfer of the sale-proceeds of lankas in the Gódlavari divisions to the Revenue department, these sale-proceeds being now shown under the head I. LAND REVENUE. This fact also accounts for the lower figure in the budget estimate for 1904-1905.

Expenditure.—In addition to the original budget grant of 5·55 under “Civil officers”, an allotment of ·50 was added during the course of the year 1903-1904 from the special grant made by the Government of India for expenditure on minor irrigation works. The greater part of this allotment was however transferred to the Public Works department for works costing over Rs. 1,000 which the account rules require to be shown in that portion of the accounts. The budget estimate for 1904-1905 includes provision for repairs to certain Cauvery channels in the Trichinopoly district.

Under “Public Works officers” additional allotments of 10·25 were made by the Government of India during 1903-1904, thus raising the grant to 45·55. It is not expected that it will be practicable to utilize the grant in full owing chiefly to the progress on certain works having been retarded by the exceptionally heavy rains of the year and to the non-adjustment of charges on account of land compensation to the extent anticipated. The special grants have however admitted of larger outlay being incurred on several important works, *e.g.*, the Ganjam Minor Rivers system, the Hajipuram tank project, the Yerur tank project, the Kalingaroyan and Arkenkotta channels, the Vamula tank project, the Atmakur project, the Buckingham canal, the Madras water-supply and irrigation extension project, the Chembrambakam tank project, the Palar ancient system, the Lower Coleroon ancient system, tank restoration works in several divisions, the raising of the Vasista Gódlavari and Vaineteyam right and left banks, the raising of the Kistna left flood bank and the improvement and protection of the Coleroon banks.

XXXII.—CIVIL WORKS—45.

				Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
							1902-1903.	1901-1902.	1900-1901.
Revenue—									
Civil Officers	..	..	..	·09	·10	·39	·11	·10	·18
Public Works Officers	..	..		1·80	1·70	1·47	1·67	1·76	1·69
Total ..				1·89	1·80	1·86	1·78	1·86	1·87
Expenditure—									
Civil Officers	..	..	..	·68	1·24	2·11	·58	2·88	1·71
Public Works Officers	..	..		45·04	31·00	33·96	31·42	26·91	23·71
Total ..				45·72	32·24	36·07	32·00	29·79	25·42

Revenue.—The budget estimate for 1903-1904 under “Civil Officers” took credit for a recovery of ·28 on account of contributions from the Bellary, Vániyambádi and Tiruppattúr municipalities to meet overdrawals of balances in consequence of plague expenditure. These contributions have not however been made. Owing, moreover, to a change in the classification of accounts, recoveries of contributions in aid of municipal balances are now taken to the head XXV. MISCELLANEOUS.

The budget estimate for 1904-1905 counts on smaller receipts from tolls.

Under “Public Works officers” enhanced receipts are expected from rents of buildings and the receipts under tolls will increase in consequence of the transfer to Provincial funds from the Malabar district board of the maintenance of the Tellicherry-Coorg road.

Expenditure.—The budget estimate for 1903-1904 under “Civil Officers” made a provision of 1·40 for grants to municipalities, but of this allotment grants-in-aid of municipalities to the extent of ·90 on account of the unsatisfactory state of their balance have been transferred to the head 32. MISCELLANEOUS, and grants aggregating ·26 to the Vizagapatam and Dindigul municipalities for water-supply schemes will be classified under “Public Works Officers” in this major head.

Under “Public Works Officers” the revised estimate for 1903-1904 has been fixed on a consideration of the modifications of grant already sanctioned. Among the causes contributing to the lapse in the grant are large savings anticipated under “Establishment” and “Tools and plant”. The saving under the former head is due mainly to increased contributions expected from other funds, and under the latter to a change of procedure in the adjustment of the value of tools and plant issued to other than Provincial civil works.

The budget estimate for 1904-1905 under “Civil Officers” provides for the expenditure on Agency works and minor miscellaneous items.

Under “Public Works Officers” 32·90 have been provided for public works executed departmentally and by Civil officers acting as Public Works disbursers, and 3·14 for grants-in-aid of municipal works to be executed by the Public Works department. The remaining 9 of the grant represents special allotments which have been entered by the Government of India and the distribution of which has yet to be settled.

CONTRIBUTIONS.

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts.		
				1902-1903.	1901-1902	1900-1901.
Revenue—						
Contributions from Local Funds—						
Ordinary	3-05	2-69	2-76	2-72	2-72	2-97
Tanjore District Board Railway.	..	..	..	..	..	48
Total ..	3-05	2-69	2-76	2-72	2-72	3-45
Expenditure—						
Contributions to Local Funds—						
Ordinary	7-18	9-51	6-88	7-41	3-01	2-64
Total ..	7-18	9-51	6-88	7-41	3-01	2-64

The details of the Contributions from Provincial to Local funds and from Local funds to Provincial funds are given in the following statement:—

	Budget estimate, 1904-1905.	Revised estimate, 1903-1904.	Budget estimate, 1903-1904.	Accounts, 1902-1903.
	RS.	RS.	RS.	RS.
RECEIPTS.				
CONTRIBUTIONS FROM LOCAL TO PROVINCIAL FUNDS.				
<i>From Local Funds (Act V of 1884).</i>				
1. The pay, &c., of Local Fund Audit establishments ..	35,930	37,000	33,900	31,472
2. Taluk Local Fund gamastahs in Gôdâvari, Tanjore and Tinnevely	5,560			
3. Education	..	800	5,300	5,082
4. The proportionate cost of the Medical college	..	6,500	7,100	6,029
5. The proportionate cost of Sanitary inspection and Vaccine agencies	19,000	22,000	22,100	21,362
6. Reserve Medical staff	19,000	19,000	17,800	16,381
7. Vaccine section of the King Institute of Preventive Medicine—Buildings and apparatus	30,130	..	..	..
8. Controlling and Account establishments in the Local and Municipal department of the Secretariat	84,090	50,800	80,000	77,919
9. Controlling and Account establishments in the Accountant-General's office				
10. Printing work at Government presses	6,870	6,000	6,200	5,858
11. Public works	52,790	32,000	31,700	31,347
12. Block survey and classification of inam villages under Local Fund Boards	..	24,200	25,780	35,328
13. The Vaccine section of the King Institute. For the working expenses	27,000	..	..	..
Add for rounding ..	2,61,370	2,27,200	2,29,880	2,29,758
Total ..	2,61,400	2,27,200	2,29,900	2,29,758
<i>From Special Funds.</i>				
Ryotwari Village Service Funds	41,321	37,500	43,727	42,245
Proprietary Estates Village Service Fund	2,830	1,800	..	143
The Irrigation Cess Fund	153	3,200	3,155	114
Total Special Funds ..	44,304	42,000	46,882	42,502
Total ..	3,05,704	2,69,200	2,76,782	2,72,260

EXPENDITURE.

CONTRIBUTIONS FROM PROVINCIAL TO LOCAL FUNDS.				
To Local Funds (Act V of 1884).				
1. Public works	1,77,730	3,34,000	1,88,400	3,25,045
2. Education (Grants-in-aid)	1,55,400			
3. " (subsidy to Local Boards)	2,39,600	3,65,000	2,40,000	3,23,127
4. Medical purposes (hospitals and dispensaries, and one-eighth pay of medical subordinates)	56,890			
5. Sanitation and general purposes	74,800	60,000	68,800	64,088
6. Wiping off deficits	..	1,17,800	67,500	25,643
7. Native choultries	13,200	66,500	..	..
8. Miscellaneous items	..	13,200	13,100	13,204
	7,17,620	9,50,500	6,87,800	7,41,113
Add for rounding	380	..	200	..
Total	7,18,000	9,50,500	6,88,000	7,41,113

Revenue.—The slight fall in the revised estimate as compared with the budget estimate for 1903-1904 is due, as will be seen from the foregoing statement, to smaller recoveries from the *Ryotwari Village Service Funds*.

As explained under the head XX. MEDICAL, it has been decided to relieve local bodies with effect from the 1st April 1904 of the contributions hitherto levied from them on account of the education of medical subordinates and of sanitary inspection and vaccine agencies. The contributions from district boards for these two items have hitherto been shown under this head, the contributions from municipalities being credited under the head XX. MEDICAL. Items 4 and 5 in the subsidiary statement of receipts now disappear from the budget for 1904-1905. It will further be observed that the budget estimate for 1904-1905 does not calculate upon any contribution from local funds on account of the block survey of whole inam villages whilst the budget for 1903-1904 included a sum of 26 on this account.

The budget estimate for 1904-1905 nevertheless shews an improvement which is mainly due to the anticipated recovery from district boards of 30, being their share of the actual expenditure on the buildings connected with the vaccine section of the King Institute of Preventive Medicine recently inaugurated at Guindy, and of 27 on account of the working expenses of the institute. The principle on which these recoveries are made has been explained under the head XX. MEDICAL.

The increase of 21 anticipated in the budget estimate for 1904-1905 over the figure for 1903-1904 under "Public Works" is due to a contribution from the Madura District Board for widening the new Peranai dam so as to make it useful for cart traffic.

Expenditure.—The revised estimate has been swelled—

(a) by grants to district boards, aggregating 2, for village water-supply and well-sinking and for feeder roads and for repairs to roads leading to railways, this amount being allotted from the special grant of 5 made to this Government by the Government of India;

(b) by grants amounting to 67 to certain district boards in view of the unsatisfactory state of their finances in consequence of plague expenditure.

The slight increase in the budget for 1904-1905 over that for 1903-1904 is caused by an enhanced provision under EDUCATION—Grants-in-aid.

INCORPORATED LOCAL AND SPECIAL FUNDS.

Appendix B shows in abstract the accounts and estimates under Incorporated Local and Special Funds. The Special Funds comprise the Village Service and the Irrigation Cess Funds. The administration reports published annually give in detail the working of the several local boards, their revenue and expenditure.

PROVINCIAL LOANS AND ADVANCES.

Appendix C shows the accounts and estimates under Provincial Loans and Advances.

FOR ST. GEORGE,
31st March 1904.

J. THOMSON.

APPENDIX

PROVINCIAL ACCOUNTS AND

Heads of Revenue.	Budget Estimate, 1904-1905.	Revised Estimate, 1903-1904.	Budget Estimate, 1903-1904.	Accounts, 1902-1903.
PRINCIPAL HEADS OF REVENUE.				
I.—Land Revenue—				
Collections	148.71	145.50	143.55	146.00
Adjustments	59.66	94.86	31.61	42.81
III.—Salt	..	.82	1.10	.99
IV.—Stamps	42.50	63.37	63.75	61.86
V.—Excise	44.12	43.87	34.87	39.04
VII.—Customs	..	.81	.83	.83
VIII.—Assessed Taxes	6.25	12.25	11.83	14.80
IX.—Forest	6.75	13.25	13.00	13.07
X.—Registration	15.60	7.80	7.14	7.19
Total ..	323.59	362.56	311.68	326.39
XII.—Interest	2.45	2.44	2.34	2.27
RECEIPTS BY CIVIL DEPARTMENTS.				
XVI.—Law and Justice—				
A—Courts of Law	7.77	7.93	7.61	7.55
B—Jails	5.45	4.75	5.25	5.29
XVII.—Police—				
Police	5.90	5.90	2.18	5.64
Cattle Pounds	..	..	3.28	..
XIX.—Education	2.25	2.20	2.00	2.12
XX.—Medical	1.14	1.10	1.02	1.10
XXI.—Scientific and other Minor Departments	4.90	7.65	7.00	6.09
Total ..	27.41	29.53	28.34	27.79
MISCELLANEOUS.				
XXII.—Receipts in aid of Superannuation, etc.	.72	.70	.62	.62
XXIII.—Stationery and Printing	.93	.93	.91	.91
XXV.—Miscellaneous	2.35	2.03	2.67	2.55
Total ..	4.00	3.66	4.20	4.08
IRRIGATION.				
XXX.—Minor Works and Navigation—				
In charge of Civil Officers	.06	.06	.12	.06
" Public Works Officers	1.30	1.41	1.50	1.48
Total ..	1.36	1.47	1.62	1.54
BUILDINGS AND ROADS.				
XXXII.—Civil Works—				
In charge of Civil Officers	.09	.10	.39	.11
" Public Works Officers	1.80	1.70	1.47	1.67
Total ..	1.89	1.80	1.86	1.78
CONTRIBUTIONS FROM LOCAL FUNDS				
Total Revenue and Receipts ..	363.65	424.15	352.80	366.77
Opening Balance ..	96.87	42.71	44.91	42.67
Grand Total ..	460.52	466.86	397.71	409.44

ESTIMATES—MADRAS.

Heads of Expenditure.	Budget Estimate, 1904-1905.	Revised Estimate, 1903-1904.	Budget Estimate, 1903-1904.	Accounts, 1902-1903.
DIRECT DEMANDS ON THE REVENUE.				
1.—Refunds and Drawbacks	.88	1.16	1.30	1.28
CHARGES IN RESPECT OF COLLECTIONS.				
3.—Land Revenue	61.96	55.38	56.80	58.60
5.—Salt	..	3.95	4.26	3.85
6.—Stamps	1.65	2.55	2.55	2.45
7.—Excise	2.54	2.48	2.57	2.43
9.—Customs	..	2.75	2.76	2.71
10.—Assessed Taxes	.07	.16	.16	.16
11.—Forest	5.13	9.00	10.05	9.18
12.—Registration	9.20	4.50	4.50	4.36
Total ..	80.55	80.77	83.65	78.74
INTEREST.				
13.—Interest on Ordinary Debt	1.95	1.83	1.91	1.82
POST OFFICE, TELEGRAPH AND MINT.				
15.—Post Office	..	1.07	1.07	1.05
SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.				
18.—General Administration	10.24	10.39	10.29	12.94
19.—Law and Justice—				
A—Courts of Law	49.60	48.30	49.41	47.71
B—Jails	13.01	11.83	12.89	12.79
20.—Police—				
Police	50.53	49.40	47.37	48.78
Cattle Pounds	..	2.50	..	..
21.—Marine	.16	.19	.16	.17
22.—Education	24.00	21.97	23.98	22.75
24.—Medical	14.38	13.52	14.03	13.66
25.—Political	.79	.80	.79	.81
26.—Scientific and other minor departments	7.84	7.38	9.63	8.02
Total ..	170.55	163.78	171.05	167.83
MISCELLANEOUS CIVIL CHARGES.				
29.—Superannuation Allowances and Pension	18.80	18.39	18.20	17.72
30.—Stationery and Printing	10.67	10.97	11.17	10.47
32.—Miscellaneous	2.07	3.91	2.15	2.46
Total ..	31.54	33.27	31.52	30.65
RAILWAY REVENUE ACCOUNTS.				
41.—Miscellaneous Railway Expenditure	..	..	..	.05
IRRIGATION.				
43.—Minor Works and Navigation—				
In charge of Civil Officers	5.00	5.10	5.55	5.05
" Public Works Officers	36.80	41.26	35.30	41.05
Total ..	41.80	46.36	40.85	46.10
BUILDINGS AND ROADS.				
45.—Civil Works—				
In charge of Civil Officers	.68	1.24	2.11	.58
" Public Works Officers	45.04	31.00	33.96	31.42
Total ..	45.72	32.24	36.07	32.00
Contributions to Local Funds ..	7.18	9.51	6.83	7.41
Total Expenditure ..	380.17	369.99	374.30	366.93
Closing Balance ..	80.35	96.87	23.41	42.71
Grand Total ..	460.52	466.86	397.71	409.64
Surplus ..	..	54.16	..	..
Deficit ..	16.52	..	21.50	.16

INCORPORATED LOCAL AND SPECIAL FUND ACCOUNTS AND ESTIMATES.

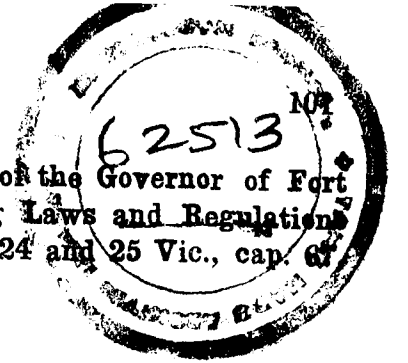
APPENDIX C.

PROVINCIAL LOANS AND ADVANCES.

	Budget, 1904-1905.	Revised, 1903-1904.	Budget, 1903-1904.	Accounts.						
				1902-1903.	1901-1902.	1900-1901.	1899-1900.	1898-99.	1897-98.	
Class I—Advances to Cultivators	Balance ..	36.62	38.10	38.86	37.94	38.43	38.79	42.81	47.61	32.54
	Advances ..	4.00	2.76	5.03	4.31	3.81	4.15	3.42	3.26	17.85
	Recoveries ..	3.67	4.24	3.51	4.15	4.30	4.51	7.44	8.06	2.78
	Balance ..	36.95	36.62	40.38	38.10	37.94	38.43	38.79	42.81	47.61
Class III—Loans to Land-holders and Notabilities.	Balance ..	.56	.35	.50	.11	..	..	.01	.04	.07
	Advances ..	..	.21	.06	.24	.11	..	..	.03	.03
	Recoveries ..	.19	..	.19	..	..	..	.01	.01	..
	Balance ..	.37	.56	.37	.35	.11	..	..	.01	.04
Class IV (a)—Loans to Mufassal Municipalities.	Balance ..	15.03	13.76	13.74	13.27	12.28	12.61	12.67	13.05	12.38
	Advances ..	5.61	1.89	1.62	1.13	1.57	.27	.52	..	1.15
	Recoveries ..	.79	.62	.61	.64	.58	.60	.58	.38	.48
	Balance ..	19.85	15.03	14.75	13.76	13.27	12.28	12.61	12.67	13.05
Class IV (b)—Loans to District Boards	Balance ..	.20	.30	.30	.40	.50	..	.05	.13	.34
	Advances ..	2.00	..	..	..	..	.50	..	..	.21
	Recoveries ..	.10	.10	.10	.10	.10	..	.05	.08	..
	Balance ..	2.10	.20	.20	.30	.40	.50	..	.05	.13
Total, Provincial Loans and Advances.	Balance ..	52.41	52.51	53.40	51.72	51.21	51.40	55.54	60.83	45.33
	Advances ..	11.61	4.86	6.71	5.68	5.48	4.92	3.94	3.26	18.99
	Recoveries ..	4.75	4.96	4.41	4.89	4.97	5.11	5.08	8.55	3.49
	Balance ..	59.27	52.41	55.70	52.51	51.72	51.21	51.40	55.54	60.83

FINANCIAL STATEMENT.

Proceedings of an Adjourned Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Vic., cap. 67 and 55 and 56 Vic., cap. 14.



The Council met at the Council Chamber, Fort St. George, at noon, on Wednesday the 13th day of April 1904.

PRESENT:

His Excellency Baron AMPHILL, G.C.I.E., Governor of Madras—*Presiding*.
 The Hon'ble Mr. J. THOMSON, C.S.I.
 The Hon'ble Mr. G. STOKES, C.S.I.
 The Hon'ble L. A. GOVINDARAGHAVA AIYAR Avargal.
 The Hon'ble C. SANKARAN NAYAR Avargal.
 The Hon'ble K. VASUDEVA AIYANGAR Avargal.
 The Hon'ble Mr. M. HAMMICK, C.I.E.
 The Hon'ble Mr. C. J. WEIR.
 The Hon'ble R. N. PRAKASA MUDALIYAR Avargal.
 The Hon'ble Mr. J. TWIGG.
 The Hon'ble Diwan Bahadur R. V. SRINIVASA AIYAR Avargal.
 The Hon'ble Mr. J. N. ATKINSON.
 The Hon'ble Dr. A. G. BOURNE, F.R.S.
 The Hon'ble G. SRINIVASA RAO Avargal.
 The Hon'ble M. KRISHNAN NAYAR Avargal.
 The Hon'ble Sir G. G. ARBUTHNOT, Kt.
 The Hon'ble GHULAM MUHAMMAD ALI SAHIB BAHADUR, Khan Bahadur, Prince of Arcot.
 The Hon'ble Mr. G. S. FORBES.
 The Hon'ble Mr. H. P. HODGSON.
 The Hon'ble Mr. H. BRADLEY.
 The Hon'ble Mr. J. E. P. WALLIS (Advocate-General).
 The Hon'ble C. MUTTUKUMARASWAMI MUDALIYAR Avargal, Zamindar of Chunampet.

ADDITIONAL MEMBER.

The Hon'ble Mr. J. E. P. WALLIS took his seat as an Additional Member of Council.

FINANCIAL STATEMENT.

The Hon'ble G. SRINIVASA RAO:—I was in the midst of my observations on the Registration department last evening.

12 noon. This department is officered almost entirely by the Graduates of the University. But just consider for a moment their prospects as compared with those of the officers of the other departments. Several of them who entered the department in 1875 have recently been obliged to retire as second-grade Sub-Registrars on a monthly salary of Rs. 125 without having been able to rise higher. Such is the block in promotion. The present scale of Sub-Registrars provides only for ten appointments in the first (Rs. 150) grade though the total strength of the Sub-Registrars is more than 400. The strength of the second grade (Rs. 125) is only seventeen and that of the third grade (Rs. 100) no more than forty. There are thus only 67 places carrying a salary of Rs. 100 and upwards among Sub-Registrars—while there are more than 200 Sub-Magistrates and 100 Tahsildars on Rs. 100 and upwards in the Revenue department. Can a more reasonable expenditure be found for applying the surplus of the department than for improving the prospects of the officers? Whenever new offices are opened, those opportunities should be availed of to create appointments in the first three grade instead of places being allowed to accumulate in the lower grades. Further, the Inspector-General should be asked to submit a revised scale increasing the strength of the higher grades. The sub-registry offices which were once 180 are now 400, and yet the inspecting agency is the same and, it need hardly be said, is far from adequate. The inspecting agency should grow with the growth of the department. Section 8 of the Registration Act provides for the appointment of Inspectors to work under the Inspector-General. But the provision remains as yet a

dead letter, and the result is that there is to-day a large number of offices which have not been visited by the Inspector-General for perhaps a dozen years past. The Registrar's annual tour, which is all the provision that now exists for the inspection of sub-registry offices, is insufficient. The time is therefore come for relieving Registrars of original registration work. Head-quarter Sub-Registrars should be appointed in the first grade to attend to this work and to the routine correspondence and accounts, the Registrar being always made to be on the move and attending to the district administration. If an analogy is wanted, the Registrar is similar to the Postal Superintendent and the Head-quarter Sub-Registrar will be something like the Head Postmaster in the district head-quarters looking after the accounts of the sub-post offices.

Under the heading Law and Justice—Jails—it is stated that the budget estimate for 1904–1905 takes into account the progress which is anticipated in manufacturing operations in jails generally. I, for one, do not view the impetus which is sought to be given to jail manufactures and the increase of revenue that is expected to accrue therefrom with any degree of satisfaction. The jails are purely houses of correction, and they ought not to be converted into manufacturing societies competing with private traders. It is not desirable that Government should take to mercantile business—whether it be as an incident or an accident—specially when the capital it has to employ for the purpose is the taxes that are collected from the people. Under any circumstances, it is not possible for the Government to manage the business half so economically as private individuals can. I know it from my experience that no article made in a jail is half as cheap as what is manufactured and sold by a private trader. The indigenous industries of the country are, in many instances, already dead. In those which are kept alive with great difficulties they are dying for want of capital, want of encouragement and for various other reasons which it may not be profitable here to discuss. In this state of things need it be pointed out that it is the duty of Government to foster and protect the industries. This is being done to some extent and the thanks of the public are due to Government for the interest it has been evincing in this direction—while so, in the matter of jail manufactures, the Government ought not to assume the role of traders and set itself up in open competition with private enterprise. I shall illustrate my observations with an incident which is fully known to Government. If the District Engineer of Salem required articles of furniture for use in a public office, why should he not buy them from private shops where he can get them cheapest? If he did this, why should the Superintendent of the Central Jail, Salem, have kicked up a row about it and insisted on the purchase of the articles from his jail, as if he held the monopoly for all articles required by Government for public offices? When a matter of this kind is before Government, it must feel its position delicate. Any decision it may come to is open to objection, criticism and attack. To buy things cheap is an advantage to Government and it is a saving to the country. To allow the costly-made jail manufactures, which are made by a department of its own, lie idle and unsold is also a matter for regret and concern. It will be really admitted that the convicts whose hereditary calling is the trade which they are taught in jails are and must be only few. No released convict cares to take to the trade he was taught in jail as the new calling exposes him to the jeer of his associates and contributes to his perpetual shame. Thus jail education as to industries is clearly a loss to society and ought not to be encouraged by Government. The best course under the circumstances will be, in my opinion, to minimise jail industries if not to put an end to them and thereby to avoid the chances which they lay open to abuse and corruption. This does not mean that the inmates of jails are not to be worked at all but are to be fed and kept idle. The country being purely an agricultural one, 69 per cent. of the population being agricultural, the majority of those who are thrown into jail must belong to the class of ryots and agriculturists. Model farms of agriculture, horticulture and dairying may be attached to the jails, and the convicts may very profitably be taught improved methods in them which they may practise in life after their release from jail and thereby bring about the agricultural prosperity of the land.

In the estimate under ordinary revenue, a large amount is expected to be realized from the sale-proceeds of tank-beds in the Madura district. I have no definite information as to the tanks whose beds are intended to be sold during the year. In many parts of the Periyar-affected area the full supply of water required for two crops direct from the channels is not yet assured beyond doubt. It will be advisable to defer the question of selling tank-beds until water-supply is assured for all the lands

that have been already brought under cultivation. The difficulties of reclaiming waste or dry lands and of raising double crop on them are very great. I own about 31 acres in Kalikappan, one of the good villages in Madura taluq. The assessment on them is about Rs. 250 a year. They are all classed as double-crop lands. There was not sufficient water for nine months last year, which is quite necessary including the time for raising seedlings. A short and a long or wet crop could not be successfully raised in a year. The Public Works Department officers say that they have supplied water for about eight months or that water sufficient for two crops has been supplied. By two crops they say they mean two short crops which it is absolutely unprofitable to produce, even if it is possible. In this predicament, I shall surprise none if I say that I shall be glad to part with my lands, if any one will buy them. The Government, which has perhaps made up its mind not to class Periyar-affected lands as single crop lands, must no longer hesitate to ascertain where all supply of Periyar water is uncertain and register them as single crop lands and collect the double crop assessment whenever the second crop is raised and this nobody grudges to give.

The want of roads and cross roads to the Periyar-affected area is a great desideratum and is immensely felt. The cartage of manure and crops is rendered highly difficult and inconvenient. The District Board of Madura can hardly afford the money necessary for such a large outlay. Out of its present enlarged finances, the Government will, I hope, be pleased to help the District Board in this urgent and important matter.

As I was leaving Madura yesterday, a postal communication was put into my hands from the people of Atur in Salem district. They state that they addressed two petitions to the Board of Revenue and the Government on the 17th of October last complaining of their Forest grievances and applying for their redress. They say that Forest permits to head loads and cart loads have been refused for the last one year and a half and that many poor people who were eking their livelihood by vending firewood have had the means of earning their daily bread taken out of their mouths. They also state that the trade of selling firewood in Forest depots has become the monopoly of the department, that the firewood sold in the depots is fresh from the tree green and that consequently the loss and the inconvenience to the public are great. These grievances are common to many other places in the Presidency. Redress of them will give great relief to the poor, and Your Excellency's name will be implanted strongly in the minds of the ever needy ryots in whose welfare Your Excellency's interest has already shown itself in more ways than one.

To the great credit of this Presidency, the long-talked-of question of agricultural banks has now been definitely solved by the recent passing of the Co-operative Credit Societies Act, and the unlimited thanks of the public are due to the Government of India for the extreme solicitude it has evinced in the matter of the betterment of the credit of the agricultural and artizan classes of the society. The working of the Act, so far as this Presidency is concerned, lies in the hands of Your Lordship's Government. As in all other matters temporal, the first and the initial step is the most difficult one. The slightest hitch or harshness in it will render the whole beneficent measure a great failure. I trust that the first working may be entrusted into the hands of the most tried officers of Government and that the existing institutions of the funds or the nidhis may be utilized for the purpose with the care and the caution that the matter requires.

I have been long, but I believe not unnecessarily. I have no doubt that the Honourable Member in charge of the Financial Statement will say that I have failed to read the parenthetical note at the top of this Statement and to give him due notice of the subjects I meant handling. I read the head note as the very first thing I had to do, but was unable to comply with the request contained therein for the reasons set forth at the very beginning of my remarks. I shall not complain if my observations are not explained or answered at once, but shall be satisfied if they are noted and given effect to in due course of time as the occasion arises.

The Hon'ble R. N. PRAKASHA MUDALIYAR:—Your Excellency,—My Honourable Colleagues have traversed over almost all points that require our attention, and very little is left to me. However, I wish to touch upon one or two points, and I will not occupy much of your time. One point that struck me glaringly is the increase of Abkari revenue, and though Your Excellency has put it to the growing prosperity of the people, I believe I will not be wrong in suggesting that it is partly due to the

facilities afforded. Having been a long time in the Abkari department, it is my experience that sometimes liquor shops are forced on places where people had grave objections, and it is due to the zeal of Abkari officials, who, to get *Kudos* from their superiors, try to introduce shops in objectionable places for additional revenue, and most peaceful places are very often turned into riotous ones. It is a matter that requires grave attention on the part of your Government; and for the peacefulness of the country your Government will find some way to reduce this growing evil. I make a suggestion and hope it will be taken in good part. I suggest local option. It may in the beginning give some trouble, but in course of time it will work smoothly and act as a check upon the growing evil. No doubt the revenue might fall, but the fall must be welcome on moral grounds, and I believe it is the moral duty on the part of a Christian Government to see drunkenness minimised.

I come to another point that I wish to speak upon. I first congratulate Your Excellency's Government on the steps taken to improve Agriculture and the

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Weaving industry. The establishment of a weaving school at Madura is a step which I believe has a very bright future. And I hope to see in a very short time all the hand looms in the Presidency using fly-shuttles and the weaving classes earn a little more. It is this class, owing to the invasion of their trade by foreign machine-made goods, that suffers most, and first in times of famine and gradually this class also is being thrown upon agriculture which your Government will find most undesirable. I suggest a little more help to them. It will cost some money, I am sure, but that money, I believe, will be well spent. A few years ago a committee sat in connection with the Technical Institute at the instance of Government, and I believe evidence was collected and the whole matter was pigeon-holed. My suggestion is to open an industrial school in some weaving centre where extracting dyes from Indian articles may well be taught. It is possible for a chemical expert from Europe to experiment upon Indian dyes and produce Indian dyes cheaper, thus helping the Indian weaver to prepare his dyes cheaper and compete with the western alizarine and aniline dyes which are flooding the Indian market and ruining Indian trade.

The Hon'ble Mr. H. BRADLEY:—Your Excellency,—A few remarks from me are, I think, desirable in answer to some of the statements that have been made by the Honourable Members on the other side of the table with regard to the departments with which I am connected. The Hon'ble Mr. Krishnan Nayar stated that the reduction of duty on salt has not been made known to the people of Malabar. I can only say that is due to no fault of ours, because as soon as the reduction of duty was announced the Collectors of all districts were instructed to have the fact that the duty has been reduced tom-tommed in every village. I think that if the Hon'ble Mr. Krishnan Nayar had really enquired into the subject, he would have found that the reason why the reduction in duty is not known in Malabar was simply because the price of Bombay salt has increased so much owing to failure in manufacture last year that the reduction of duty could not possibly be felt. The price of salt in Bombay has gone up so high that it has more than swamped the reduction in duty. In the districts of Bombay where they take sea salt, there has been a considerable increase in the price of salt. The Hon'ble Mr. Krishnan Nayar has also stated that there has been considerable increase in consumption. It is a fact that more salt is issued from the factories in Madras under the Madras Government than before, but it does not at all follow from that, that the consumption has increased in this Presidency, because this Presidency has been sending a very large quantity of salt to other parts which in previous years consumed Bombay salt. Until the figures for the consumption of salt are really worked out, we cannot know whether there has been increase in the consumption or not. The Hon'ble Mr. Krishnan Nayar alluded to the grant of rewards in the Salt and Abkari departments. I have a very considerable acquaintance with the working of the Salt and Abkari departments: and I must confess that I should be exceedingly sorry to run either of them without a reward system. The system of granting rewards under fiscal laws exists in most countries with which I am acquainted. It is a very difficult thing in this country to carry out fiscal laws without giving rewards to the subordinates who are entrusted with the carrying out of these laws, because if they cannot look to some increase of their ordinary income for the faithful and energetic discharge of their duties, they are likely to be corrupted by the public; and we shall then find that instead of doing their duty they will sit and shut their eyes, and thereby get a larger income. It is a question of choosing between

two evils—whether it is better to pay them the ordinary salary and to reward them when they do good work, or to pay them a higher salary and trust to the public not to corrupt them. I think any one who is acquainted with the public in this country and the Penal Code which lays down special punishments for those who attempt to corrupt public servants, will agree with me that it is better to grant rewards than to attempt to administer fiscal laws without granting rewards. Then we come to the alleged growing evil of drink, and I am afraid that Honourable gentlemen who allege this growing evil have not studied the figures. I have taken the trouble to look up the administration reports and I have put together the figures which show what the extent of the alleged increase in drink is. Far from being a growing evil, it is a decreasing evil. For the first four years since the Abkari department was formed, the average consumption of liquor was 1,272,097 gallons at proof, while there were 32,557 shops opened for the sale of arrack or toddy or both. During the last four years,—I have not taken into consideration the figures for 1903–1904 because we have not got the details—the average consumption has been 829,329 gallons at proof, while 28,566 shops were opened for the sale of arrack and toddy. There has thus been a decrease in consumption by 400,000 gallons and in number by 4,000 shops during the last four years of the administration of the Abkari department. Even the large consumption during this year, namely, 1,114,000 gallons, is considerably less than the average consumption of the first four years. I may also point out that the area under the Abkari Act now is much greater than it was in the earlier years, and the population has very greatly increased, and also the number of shops is considerably less than what it was. The Hon'ble Mr. Srinivasa Rao, the Hon'ble Mr. Krishnan Nayar and also the Hon'ble Mr. Prakasa Mudaliyar suggest that the consumption of liquor—probably they mean the revenue—is too high. I join issue with them, and I do not see how it is possible to stop drinking either in this or in any other country in which alcoholic liquor can be obtained so easily as it can be here. If we close the Abkari department and cease to connect ourselves with the renters and manufacturers of toddy and arrack, we have very little doubt that we shall get as much revenue as we now get if not more, but we shall have a thoroughly demoralised population owing to increased drunkenness. In the present circumstances I must assert that as far as my experience goes there is less drunkenness now than twenty-five years ago when I came to this country. The Hon'ble Mr. Krishnan Nayar says that in his district of Malabar drunkenness is increasing. I have only to remark that if drunkenness is increasing, it is due to the consumption of illicit liquor, because during the last few years there has been a considerable fall in the quantity of licit liquor consumed in Malabar. The highest consumption was in the year 1898–99; and since then, if there has been increase in drunkenness, it must be due to increase in illicit liquor and illicit toddy. The Hon'ble Mr. Srinivasa Rao has made a grave and unfounded attack upon the excise policy of Government and the Abkari department, namely, that nothing is looked to but revenue. Surely if this were the case, instead of our elaborate system of taxing spirit on the strength and toddy on the tree, we should leave consumption uncontrolled and revert to renting, and then no doubt drunkenness would be very much increased. The Honourable Member said a good deal about the location of shops and quoted—I have not had the opportunity of consulting the records—a rule which, as far as I can understand, is a very ancient one, and which was made in the days when the renting system was in force and the renters were the sole judges of the number of shops and the locality in which they were to be opened. Now the locality of all shops is decided by officials and the number by the Board. The rule referred to by the Hon'ble Mr. Srinivasa Rao is now out of use except in the case of new shops. No attempt has been made for many years to alter the location of many of the shops unless complaints are made. The Police are always consulted whenever a new shop is opened, and the consequence is that most of the shops are in fairly public places. That is the deliberate policy of Government and is the correct policy which ought to be more largely followed. When a man feels he will lose his good name, if he be seen entering a toddy or arrack shop, he will be less likely to do so if the shop be in a public place than in a corner. If the shops are in a public place the budmashes will not congregate, and the Police always tell us that they prefer shops to be in public places because they can be properly controlled and the objectionable classes can be prevented from frequenting them. Another thing is that the shops are at present constantly inspected by the officers of the department, but if they are in the bye-ways

in a town, it would be difficult indeed to see that they are properly inspected, and most undoubtedly they will become a much greater nuisance than they are. I think every one who is acquainted with excise work will agree with me in saying that the shops should be run as publicly as possible and as far as possible by respectable persons.

Then we come to the income-tax question. The suggestion which has been made is that the increase in revenue above the amount budgeted for has been due to misconduct on the part of the assessing officers. We have no information at present to show that the increase in revenue is due to incomes under Rs. 1,000 formerly having now been raised. It may just as well be due to increase in higher classes. The Honourable Members who touched upon this question have not noticed the probability of an increase in the existing lowest grade being due to the fact that the Tahsildars have had fewer assessments to make last year than in previous years and that the work of assessing was more carefully done, so that if there has been an increase in incomes a little over Rs. 1,000 it is probably due to their having been assessed too low in former years owing to pressure of work.

The Hon'ble Mr. H. P. HODGSON: Your Excellency,—A few, a very few words, is all I would ask leave to say, for I do not wish to further protract this debate. All I wish to do is to congratulate Your Excellency and Your Excellency's Government in having obtained a revision of the settlement rules on which Madras depends for the finances of her administration. A change from the evil conditions that attached to the old five years' Provincial contract has been earnestly sought by Your Excellency's predecessors and yourself, and those deserving efforts on behalf of the interests of Madras have at last had their reward. What the real effect of the new financial arrangement will be, I think, we may well leave for the present to the proof of time; but I must say that it would be against my better judgment to join with the opinions set forth by several of the Honourable non-official Members during this debate in condemning prematurely the value and efficacy of the new settlement. I must say that I have more faith in the integrity and intelligence of the great ruling spirit that dictates our destinies from Calcutta, more belief in the earnestness of purpose and the business acumen of Your Excellency and your Councillors than to accept it, even as a possibility, that a change has been offered on the one part and accepted on the other which will make our last financial state worse than the first. It is apparent to even my poor knowledge of finance that the permanency of the interest in the revenue, and the control of accumulations, conveyed by the new rules, must be a great boon to Your Excellency's Government enabling them to look forward with a sense of financial security and certainty which were wanting under the old five years' system. That Madras with the rest of India is passing through an era of prosperity must be a matter of congratulation to us all, for it is only at such times that liberality in the shape of grants can be fairly asked for.

The matter of extension and improvement in maintenance of roads and communications is one of the greatest importance to all growers of produce throughout the country, inasmuch as the cost of transport over a given distance is in direct ratio to the condition of road. This question of cheap transport affects the coolies employed on estates very materially. Your Excellency must have observed in your travels that in passing into a planting district you have, as a rule, passed out of the grain-producing tracts, and as a matter of fact grain for coolies in estates is usually transported long distances, and cheap haulage is of the greatest importance. I trust, therefore, that whenever funds are available the roads in the planting districts may not be forgotten.

I must allude also in a few brief words to the great concession obtained during the past year in the matter of telegraphic rates; the reduction from 4s. to 2s. 6d. per word is a boon fully appreciated, I am sure, not only by the great merchant houses which manage and control the trade of the country, but also by the public in general. The possibility of a still further reduction is, I am sure, good news to all, for in these days the value of cheap telegraphic communication can hardly be overestimated.

In conclusion, I would wish Your Excellency "God's speed" in your approaching journey. Our best wishes will follow you through your new sphere of duty and our best welcome will await your return.

The Hon'ble Dr. A. G. BOURNE:—Attention has been drawn to the condition of Sanskrit schools. I am bound to confess that I have deferred any investigation of this interesting question pending the solution of a variety of problems which must be

considered as vastly more important. The Hon'ble Mr. Vasudeva Aiyangar has asked Your Excellency that they should receive more attention, but my general impression is that the funds available are more urgently required for other objects, and that if there is any institution in this country which Your Excellency's Government might well leave to indigenous effort and indigenous support it is the Sanskrit school. There is no doubt that trusts have been created for the support of these institutions, but it would appear as though these had been allowed to be diverted by reason of an absence of influential public opinion.

A subject of far greater importance, from my point of view, the subject of the day, is that of primary education, and I am confident that the Honourable Members who have dealt with this subject may rest assured that Your Excellency's Government will spare no effort to increase its spread and improve its quality. The Hon'ble Mr. Govindaraghava Aiyar refrained from giving figures when dealing with the subject, but it is, I fear, absolutely impossible to get away from the figures. Roughly speaking, 40 lakhs will be spent from Provincial and Local funds on education during the current year. Out of this, nearly half will be spent on elementary education; about five lakhs will be contributed from fees, while other sources are said to contribute a few lakhs more. Say that 30 lakhs are spent on elementary education; it is after all a trifling sum. In the United Kingdom, with but a slightly larger population than this Presidency, 2,550 lakhs were spent in 1901 on elementary education alone and the amount required is stated to be 3,750 lakhs. The annual cost per pupil in England is about 40 rupees, whereas here it amounts to about five, so that we can do with less than two or three thousand lakhs, and we should be doing very well if we were educating about five times as many children as at present. I should be content with 100 lakhs, and this is about the amount that the country will have to find for the purpose. Even if I had 100 lakhs to-day, there would be two other difficulties—I could not get the teachers and I could not get the pupils. We have now 24,000 teachers, and we should want at least three times as many; and as for the pupils Government could do nothing without the help of the people. Wherever I go, I hear complaints from the inspecting officers of the apathy of the people. Every man who has been educated should and must use his influence in season and out of season to get the pupils into the schools. The educated section of the community must be responsible for fostering the demand and by proceeding gradually will, I hope, succeed in providing for it. Turning for a moment from quantity to what is of equal importance, viz., quality, Government is about to make strenuous efforts to improve the training of teachers for primary schools, and will, I hope, offer greater inducements to men and women to become teachers, but at present the existing training schools are by no means full. I cannot help a feeling of surprise that private effort which has done so much in other directions, in collegiate education for instance, has done so little towards the training of primary teachers. Only about Rs. 34,000 is spent on training masters in institutions under private management, and of this more than Rs. 15,000 comes out of Provincial revenues.

I fear, Your Excellency, that time will not allow me to do more than touch on one other point. The Hon'ble Mr. Govindaraghava Aiyar has referred to the scheme for the establishment of model primary schools. It is not quite clear to me what the precise object of the scheme was; if it was to help the spread of primary education it would have been a mere drop in the ocean. Eighty schools costing Rs. 94,000 a year would have provided for 16,000 pupils. We want a hundred times the number. If it was to raise the standard of primary education, it is probable that that object can be better achieved in some other manner. The great objection to the scheme seems to me to have been that it is unlikely that they would have served as models; they would have drawn pupils away from other schools leaving those more inefficient than before. It is not clear how they could have made their influence felt. In the scheme which I am about to submit to Government I propose to make the primary schools attached to the training schools model schools with an irreducible minimum of efficiency, so that all the students under training may learn what a primary school ought to be. Our present practising schools are, I fear, almost the worst schools in the locality. Steps will, I hope, be taken to fit a number of these teachers for rural schools where the sons of cultivators may acquire an ability to read and write, such a knowledge of arithmetic as will enable them to follow their own accounts with the bazaarmen and their landlords, some familiarity as to how their rights and liabilities are recorded, and, above all, some general development in their intelligence.

The Hon'ble Mr. G. Stokes :—I am happy it has fallen to my lot to have to speak on a very few points as I have no desire to trespass on the sphere of my Honourable

12-40 P.M.

Colleague. A good deal of doubt has been thrown in some speeches on the liberality of the present settlement. I must content myself with saying that I have been connected with the last settlement very intimately and also with this settlement, and I can assure Honourable Members that the liberality of the Government of India is indeed very considerable. The settlement which has just been concluded gives this Presidency a substantial increase of income, which, I hope, will enable us correspondingly to extend our operations for the good of the Presidency.

I desire to make a few remarks on what fell from the Hon'ble Mr. Krishnan Nayar on one or two points. He objected to an order recently passed in connection with the Malabar settlement in regard to unoccupied dry lands, a peculiar feature of the settlement in Malabar. It may, therefore, be as well to explain what unoccupied dry land means. It means in Malabar, peculiarly, that there is a class of land of very uneven fertility, nearly all of it culturable, but of which the cultivation is shifting. A portion of a certain survey number is cultivated one year and is then abandoned, and another portion is cultivated. The cultivation is essentially shifting, and it needs no demonstration to any one acquainted with the land revenue system that such features are objectionable, and, in justice to the ryot and to Government, should be got rid of as soon as possible. I say in justice to the ryot, as the existence of such a system means a source of income to the amson and subordinate revenue officials as it is impossible to check their measurements, and they have in their hands an instrument which, if they wish to do so, they can abuse to their own advantage. Of course, all such abuse is a fraud on Government, and I therefore repeat that it is to the interest of the Government as well as of the ryot that this uncontrolled and shifting system should, wherever possible, be got rid of. The question lately came before Government and has been considered as to whether cultivation of a small patch, when it has been continued for a certain time, should not be regarded as indicating that that particular piece of land is fit for permanent cultivation and should be assessed accordingly. The Government are prepared to hold that view, and, to get rid of the system, it is well that some such rule should be adopted. The rule that three years' continuous cultivation should suffice to transfer a land from shifting to permanent cultivation has its analogy in other branches of the administration. On the whole, I am inclined to think that the principle is a sound one. The Hon'ble Mr. Krishnan Nayar, speaking on the subject, seemed under a material error; he seemed to think that, if only a portion of a survey number was cultivated for three years in succession, the whole number would be permanently assessed. I need scarcely say that the Government have no intention of doing anything of the kind. It is only the small portion that is apparently fit for cultivation that will be brought under the head of permanently occupied land. The Honourable Member also pointed to the difference existing between the assessment on second crop in Malabar and South Canara, and his whole argument proceeded on the assumption that all the conditions are exactly alike. There I must join issue with him and say that there is very little similarity at all. There is no similarity in the soil, the climate is not the same; there is no similarity in the manner of cultivation, and no similarity in the rates prevailing in the two districts. That a concession should be made in South Canara which has not been made in Malabar is by no means unreasonable.

Another point touched on by many of the speakers was the question of agriculture. Every Member who has spoken has spoken of it as improved agriculture, and I think the idea that underlies either their thoughts or their words is that we have only to walk into the fields immediately to improve the ryot's methods of agriculture. I have been a good long time in this country, and for many years I have held precisely opposite views; for I believe that very few things are more difficult than to improve the ryot's methods of agriculture, and I am glad to see that the truth is elsewhere recognised. Sir Edward Law recently pointed out that the Indian agriculturist is probably the best of his kind. I think if you take the history of the Agricultural department in this Presidency, you will find that the Government have spent a great deal of money in experimenting on an acre of land and have lost that money, while on the same land the ryot would spend but little and thrive thereon. I think, therefore, that before we improve the methods of the ryot, we had better begin at the other end and learn his methods. I think that the functions of an Agricultural

department should be not to teach but to learn; its functions should be to help the ryot in his own way, and its business should be to find out what he wants; because, owing to the possession of small capital and several other causes, the ryot's horizon is necessarily limited, and he cannot afford to undertake expensive experiments in cultivation, since, if they failed, the loss would be fatal. The function of Government ought to be to aid the ryot by a careful study of his methods and by using his methods to find out where they can be improved. I would suggest, for example, that what Government could do for the ryot is the provision of seed. Take the case of tobacco: the ryot cannot afford to send for the best varieties of tobacco. It ought to be the duty of Government to obtain the best seed, cultivate it in their own farms, select the seed and distribute it to the ryots who can then raise a good crop, and under instruction continue by a process of selection to keep the seed as good as when it was originally imported. It is by methods of this kind rather than by agricultural schools that the Government can help the ryot. Agricultural education is also a matter that seems to be a good deal misunderstood. I don't believe that by establishing schools for teaching boys how to hoe and dig, we will really improve agriculture. On the contrary, agricultural education does not mean that. If Honourable Members want to know what is the best means of teaching agriculture in primary schools I must refer them to the system prevailing in the Central Provinces, where agricultural subjects are taken as the means of educating and developing the observation and minds of the pupils, and it does not consist in teaching pupils the best way to use a mamootee.

There is another point which the Hon'ble Mr. Prakasa Mudaliyar referred to, viz., weaving, and, with regard to this, I think the Government have taken the matter in hand. Perhaps it may not be out of place to explain how we hope to work the matter. The Hon'ble Mr. Prakasa Mudaliyar hopes that the fly-shuttle will be introduced, and that the weaver will soon be earning a little more than he is. That too is the hope of Government. But I may say that what handicaps the fly-shuttle at the present moment is that with the existing system of warping, the fly-shuttle cannot be used. Unless the warp is properly made, the fly-shuttle causes delay, breaks the thread, and gives trouble to the weaver, more so than the ordinary native shuttle. There is no doubt that it is better, but it is not so emphatically better as to induce the weaver to take it up. If the warp is properly prepared, there is no doubt that the fly-shuttle is better than the ordinary shuttle. One way in which Government hope to arrive at some solution of the problem is by getting proper warping machinery, establishing it in a weaving centre and getting the weavers to see the advantages of it, and thereby getting them, by combination or otherwise, to supply themselves with corresponding machinery after the Government aid has been withdrawn.

The Hon'ble Mr. J. Thomson :—Perhaps the first matter to which I should address myself in summing up the Budget debate is the new settlement. Evidently it is not clearly comprehended in all its bearings, or it would not be so belittled by the Hon'ble Mr. Govindaraghava Aiyar or so scorned by the Hon'ble Mr. Srinivasa Rao. Under it the expenditure recognized as normal by the Government of India is 350.48. In last settlement it was 310.65. The total of normal income now is taken at 290.82. In the last settlement it was 294.19. These particular incomes had to be made up by a fixed assignment to be equal to the recognized expenditure. There is no getting over the fact that we are now supposed to require to spend 40 more than we were supposed to require seven years ago and are supplied accordingly. Our share of growing revenues is less by 3.37 than it was. The Supreme Government has explained that Provincial expenditure is rather less than one-fourth of the Imperial expenditure, and that in dividing growing revenues this proportion has been observed. Obviously the Imperial Government must live and thrive much on the same lines as the Provincial Governments. Then it is not stating the matter fairly to say that the settlement is no more permanent than it ever was or that it need not last more than six months. The limitations to absolute permanence are stated at length in paragraph 213 on page 3 of the Statement, and it is not possible for a Supreme Government charged with the care of the Empire to be more open or more definite in its declarations on the point. If necessity comes upon the Government of India, it cannot but come to the provinces for assistance; in the absence of any such necessity, the present settlements will run till a substantial term of years shows them unfair to this province or the other provinces or the Government of India. It is not a case of an allowance which the Supreme Government can spare and not miss: the head of the house is making a division of the whole

income between himself and the sons based on a consideration of the needs of all, and if in course of time the division is shown to be unfair to one or all concerned it must be altered.

I said yesterday that our expenditure during the first five years of the last settlement had ranged from 320 to 335. In the last two years we were required to spend large sums which were presented to us, and we had difficulty in doing so. But even 335, though 25 in excess of the 310 odd estimated as normal expenditure seven years ago, is 15 under what we are now supposed to ordinarily require, viz., 350.18. Honourable Members are looking at the figures in appendix A to the Financial Statement and observe that we have spent 366.93 in 1902-1903, are supposed to have spent 369.99 in 1903-1904 and mean to spend 380.17 in 1904-1905 while our proper revenue for 1904-1905 will be only 363.65. I have told you that I am apprehensive over Land Revenue and Excise being proved continuously equal to what are their present indications; in other words, it can hardly be that our present run of good seasons will continue indefinitely: but that is not the matter for your present consideration. You should remember that you are now to spend for special surveys some 4 per annum in utilization of the 20 given by India as shown on page 6; and 9, as stated at the bottom of page 19, have been stowed away by India under Public Works, which sums we are at liberty to use as we find fit. When this 9 is abstracted, there is still 72.84 remaining for ordinary Public Works expenditure, which is not an illiberal provision. The difference between income and expenditure in 1904-1905 is therefore really 3.5 in favour of the latter, but we have 96.87 to trade upon, and in course of time Land Revenue must grow by revenue settlement whether Excise does or does not. All the same I have been inculcating caution and non-indulgence in schemes from which it might be difficult to easily withdraw or which might not be easily curtailed.

The Hon'ble Mr. Vasudeva Aiyangar has referred to paragraph 215 on page 3 of the Statement and the grants—as they are called—of 75,000 and 50,000. The first item is explained under (v) and (vi) on page 4. One Honourable Member has said that we give with one hand and take away with the other since the local bodies have now to support the King Institute. He forgets that it would have to be supported in any case and properly by them for whose advantage it is intended, and that the taking over of the three particular charges by Provincial is so much clear gain to Local. The 50,000 of paragraph 215 is the sum we considered necessary for agricultural experiments.

The Government of India has said that under the new settlement there is an increase of the Imperial contribution to Madras of 16.56. The Hon'ble Mr. Govindaraghava Aiyar has worked out the deficits for the period 1897-98 to 1903-1904 and, excluding on the receipts side special assignments from Imperial and on the expenditure side famine expenditure, has arrived at an annual average deficit of 10.40. He points out that the contribution from Imperial to Provincial will be increased under the new settlement by 16.56 lakhs according to the Government of India Financial Statement, whilst the Provincial share of growing revenues will decrease from 5.60 to 4.89 or by 71 lakh. He contends that as the 16.56 lakhs includes the increased assignment of 8 lakhs recently made for education, this 8 lakhs should virtually be deducted from the 16.56. He thus calculates that the new settlement will leave Provincial funds worse by $(10.40 - 8.56 + 71) = 2.55$ lakhs. But even if his figures are correct, his contention is upset by the fact that the increase of 16.56 has been arrived at after allowing for the increase of 8 under Education, so that according to his method thus corrected the settlement shows a betterment of over 5 lakhs. It is, however, impossible to draw any safe conclusions from the past,—since the transactions of recent years have been swollen by special assignments from Imperial on both sides of the account. Some of the special assignments were devoted to special objects, and outlay from these special assignments is included on the expenditure side of the accounts and thus goes to swell the deficits. It is impossible now to locate the expenditure from the various grants. These facts must vitiate any comparison. Even if this difficulty could be got over, it would be necessary in order to arrive at correct conclusions to work out the transactions of the last few years on the basis of the shares of revenue and expenditure as they exist under the new settlement. It is safe to abide by the fact that the assignment is 16.56 better according to the Government of India calculations and nearly 1 lakh better according to the calculations made here on what appears to be a more correct comparison. We have no cause to carp or grumble. It may not be very much to say that we are well off in comparison with our former

condition—for it could not well have been worse—but I think and hope that with care and good sense we shall prosper under the new conditions and arrangements.

Education has been adverted to by the Hon'ble Mr. Govindaraghava Aiyar. I would ask him to believe that the whole working of the department is receiving anxious thought from the Hon'ble Dr. Bourne, and that before long results will be apparent which will be as satisfactory as he and Government can make them. There is no doubt that a deal of primary education can be overtaken with the provision of sufficient funds, but the country is not near the stage when education might be made compulsory. The recent additions to the inspecting staff are absolute necessities, and I think we cannot go on much longer with only four Inspectors on the regular staff. As regards the furtherance of Sanskrit learning, I have nothing to say *contra* save that Sanskrit learning is something of a luxury in Southern India, that we must deal sparingly in luxuries, and that there would be no harm in drawing the attention of would-be "pious founders" in this country to this as excellent *purniyakarumam*. The Director will no doubt take full note of the suggestions regarding Sanskrit and also of the Hon'ble Mr. Srinivasa Rao's remarks over the sort of men to be selected for the posts now waiting to be filled. As for technical education I confess that, in spite of the work and report of a committee on this subject, we are little further forward. It is useless to talk of establishing technical schools till you know what they are wanted for and how they can best supply what is wanted. I had the other day to sanction the closing of one in Palghat which did not justify existence or the expenditure it was costing.

One little matter under the revenue re-settlement ordered for Salem is worth mentioning since the Hon'ble Mr. Govindaraghava Aiyar alluded to the subject. It is that my late Honourable Colleague, while proposing an enhancement of only two annas in the rupee over present rates, coupled this with a reduction in the rates of the lands that had lain waste.

Excise has come in for many hard words. If we do mean to limit what I take to be natural cravings, we can certainly appear to do so by limiting shops and increasing the preventive force thereby contracting income and increasing expenditure; and if I say to you that an increase in the income from Land Revenue is accordingly necessitated, I shall not get any other answer from you than *non possumus*. This is a world of good and evil. I do not believe it is a more drunken world here now than it was when drinking was unlicensed, and memory carries me back to thirty-three years ago when I saw long files of British Indian people coming with unsteady gait out of French India where they had been because they could get drunk cheaper there. We have raised the duty on strong spirits till it is occasionally over the tariff rate and have excited some apprehension in the mind of the Government of India that it is excessive. I therefore do not see what more we can do save to make people sober by statute and keep them so by a mighty army. As for the abolition of rewards the matter has received frequent and much consideration, and our deliberate opinion is that rewards are a necessity and that their abolition would produce worse evils than now exist as leading to connivance, illegal gratifications and illicit compounding.

The matter of stamps required on copies of orders which was referred to by the Hon'ble Mr. Krishnan Nayar does not appeal to me as a wrong requiring remedy.

Experience shows that a vast mass of petitions in settlement matters are absolutely frivolous and must be known to be so, and there seems no good reason in wilfully adding to their number by the concession asked for.

The surmises that had been made, being reflections on the officers who assess to income-tax might, in my opinion, have very well stood over till they could be founded—if they have any foundation at all—on the figures of the year. Why should there be any presumption that Government servants are straining points against assesses when there is no call to do so and when the intentions of the Supreme Government have been so plainly pronounced? The Hon'ble Mr. Srinivasa Rao has asked for a special assessing officer in Madura, and I have, since I examined the income-tax work of the district some five years ago, recognized that some such arrangement was necessary. I may say with reference to this point and to another remark of the Honourable gentleman's that Madura is one of the districts which will fall to be cut up if our redistribution of districts ever comes to fruition.

Concerning Forests and the proposals to admit free grazing, I have to say that the matter was long and fully considered from 1890 to 1896 and finally was negatived.

after discussion with the Government of India. Four years' trial was made of a system of exemption or privilege. It was found unworkable; it afforded opportunities for extortion, false and vexatious complaints, and inquisitorial enquiries by subordinates. There appeared to be no really sufficient reason why any privilege should be accorded to particular cattle or owners. The Government of India accepted the conclusions of this Government.

As regards registration the work is said to be heavy now mainly in consequence of the High Court's order of search for twelve years which has been referred to. If that is to be altered, it should be by those concerned addressing the High Court in the first instance. If the order continues, it is likely that the registration staff will have to be increased.

The Hon'ble Mr. Vasudeva Aiyangar has referred to the high rate of interest on Government loans. The rate we pay India is $3\frac{1}{2}$ per cent. and we charge Municipalities 4 to $1\frac{1}{2}$; but under advances to cultivators the rates vary from 3 to 4, $4\frac{1}{2}$, 5, 6 and $6\frac{1}{4}$ according to the particular purposes for which the loans are made. I cannot say that I regard these as dear rates, and perhaps the higher rates are those under contracts of some time ago. I have had no time to look into the matter properly.

Of the subjects falling under Law and Justice, I have to say that the question of the further separation of judicial and executive functions is before the Government of India for three years past so far as our opinions are concerned, and I have no desire to say any word on the subject. As regards the desire which the Hon'ble Mr. Krishnan Nayar exhibits for a better sort of second and third class Magistrates than present recruiting affords, I am constrained to think that matters of this sort are not altogether in a satisfactory way in Malabar. Elsewhere the arrangements for selecting and for testing men to be advanced from the clerical ranks are not open to objection, and I am not prepared to assent to a general declaration that magisterial functions can best be discharged by men who have had no revenue training or experience. It is not a matter only of whether we have or have not funds wherewith to provide a higher priced article. As for providing more Munsifs I regret I must enter somewhat into detail, because the matter should be well understood and demands should not be made without due enquiry. A St. Andrew's dinner is hardly the atmosphere in which to contemplate the subject calmly. From statement F, for 1902, in the report on Civil Justice, it will be seen that there were 141 District Munsifs' Courts in 1902; of these, 4 are described as additional District Munsifs' Courts and 17 were Agency Courts which do not have much work. The net number of ordinary District Munsifs was 120. The average duration of cases in all District Munsifs' Courts in the Presidency is not given in the reports, but it appears from the Judicial statement No. 9 that the average duration of suits in "District Courts other than Chief Courts of districts" was—

									Contested. DAYS.	Uncontested. DAYS.
1900	..	..	..	..	..	..	..	..	101	42
1901	..	..	..	..	..	..	..	..	97	40
1902	..	..	..	..	..	..	..	..	97	44

When we turn to B, on page 28 of the report for 1902 and statement C, on page 34 of the report for 1900, we find that as regards ordinary and summary suits the institutions for the period of years 1898 to 1902 were 85,173, 84,239, 84,639, 79,956 and 78,201, respectively. The disposals during the same period were 87,250, 86,216, 83,566, 81,903 and 79,732, respectively. The number of suits pending more than a year was 1,292, 1,172, 1,114, 1,025 and 1,253, respectively. What appears, therefore, is this: that while the number of suits instituted has fallen from 85,000 to 78,000, the pendency is precisely the same as it was five years ago; and while the work has been decreasing, the outturn has not been increasing. It therefore appears to me that the Munsifs whose number was in 1889 increased by 2, in 1892 by 6, in 1898 by 4 and in 1902 by 2, thus making a total of 14 since 1889, have not really so much work to do as they had and are not doing their work so well as they were doing before. For these reasons I can only say that hardly any case has been made out for saying that they require assistance or any new courts.

The question of granting an allowance to jurors and assessors has been alluded to. The matter of paying for their attendance has frequently been under discussion—in 1880, 1885 and 1893—always with differences of opinion. Some would pay reasonable

travelling expenses only, some would pay batta also. Some guess what the total expense would be and would make the concession if the cost was not excessive. The Hon'ble Mr. Govindaraghava Aiyar would put it down at Rs. 40,000. I am not much in favour of the proposal, but will endeavour to have a computation made of the cost and consider it further.

Another matter referred to by the Hon'ble Mr. Govindaraghava Aiyar relates to civil apothecaries. The service has been recently reorganised with the intention of causing the civil apothecaries to disappear in course of time. I have before me a proposal to reduce the number of examinations which the civil apothecaries have to undergo under the present rules, so that they may attain in 20 instead of 28 years the higher pay. I shall give that my attention and see what can be made of it. With regard to the other proposal of the Hon'ble Mr. Govindaraghava Aiyar, I don't remember exactly how that was put, but I must say that very little good can be done by investigating the Eastern and Western systems of therapeutics, because the systems are built on such utterly different foundations that it is hardly possible to bring any assimilation between them.

The jail cultivation was another matter referred to by Honourable Members. One Honourable Member said that all people that go to jail are taught some trade which they don't practise after they come out. Suppose model farms are attached to jails, what guarantee is there that the convicts when they come out will stick to agriculture?

At present there is no provision in the neighbourhood of jails that I know of for any quantity of lands such as could be profitably or properly used for model farms, and I hardly believe that it is worth while to make any enquiry on the subject.

Another subject referred to by the Hon'ble Mr. Govindaraghava Aiyar was the question of the Bezwada-Masulipatam railway, his desire being that Government should guarantee five per cent. interest and allow money to be raised locally. I am afraid that with regard to that if the Government should guarantee that rate of interest, my Hon'ble friend Sir George Arbuthnot and possibly also the Court of Wards will very soon take up the whole loan at a premium and the native capital will not be better off than now. At present we are likely to receive as much money from Provincial finance as we require, and there is no reason for offering to guarantee interest at five per cent.

I think the only remaining matter to be dealt with is the suggestion to provide this Council room with electric fans. That will probably be an excellent thing for us who meet here once a week, but if the matter of profit and loss is to be computed, it will be found to be expensive for a body which meets here only five or six times a year. I may say also that His Excellency has been self-denying in the matter of electric installation, and I am afraid that if I were to approach him with the proposal he would not accept it very readily. However, I will try.

After all this talk of everything and some other things, I have nothing more to say except to convey to Your Excellency what is clearly the general feeling, namely, that you will have a pleasant and prosperous time in Calcutta and that, when you return, you will find the Presidency none the worse but probably, with Your Excellency's help, much bettered and advanced.

His Excellency the PRESIDENT:—In closing the discussion of the Financial Statement, I desire in the first place to express my sincere thanks to Honourable

1-20 P.M.

Members. In the very kind personal allusions which they have made regarding myself, I shall carry away with me most pleasant recollections of the good wishes which have been expressed in such graceful terms. Perhaps, Honourable Members will allow me to say that their speeches seem to me on this occasion to have exhibited even more care and more thought than on former occasions, and I can assure them that we are really grateful to them for the trouble that they have taken to criticise the administration and to make suggestions for consideration. Responsible and reasonable criticism is always a help not only to Governments and administrations, but to all classes and conditions of men. There are certain critics who endeavour from time to time to discourage non-official Members by saying that their efforts are in vain and that it is useless for them to talk because no attention is paid to what they say. I feel certain that my Honourable non-official Colleagues can have no feelings of this kind. I can assure them that at our weekly meetings in the Executive Council, the opinion they have expressed, the suggestions that they have made, and the general tenor of their views are constantly and seriously taken into account. I may remind Honourable

Members once more of three notable matters in particular which have been taken up directly owing to their representations. To two of them I have already made allusion in my opening speech—one was the Tanjore Drainage Scheme, and the other was the reform of the Kistna and Gódvári system. The third, to which no allusion has yet been made, was the appointment of an Advisory Council for the Court of Wards, which resulted directly from representations made in this Council very frequently, and with a good deal of vehemence during the first year that I was here. These are three notable instances; but there are many others, and I hope Honourable non-official Members will feel assured that in studying the questions with which we have to deal we are careful to consider how our views will present themselves to their ideas, and that their opinions are therefore appreciated and are of real use. A great many suggestions have now been made, some particularly useful, others less so, and I can promise them that those suggestions which belong to the former category will be taken into consideration as before. I think my Honourable Colleagues and the Hon'ble Mr. Bradley have not omitted a single point that has been raised, and have replied fully to all of them. Therefore, it is not necessary for me to go over the ground again. There is, however, only one point to which I should like to refer, because the Hon'ble Mr. Govindaraghava Aiyar mentioned it to me personally. It is the suggestion that Indian capital should be invested in the construction of the Bezvada-Masulipatam railway. He did not ask me to make any definite statement on the subject, and I have naturally not yet had occasion to go into it. It seems to me, however, at first sight, that there are very grave objections to the suggestion. I can't see what justification there would be to pay a higher rate to Indian capital when English capital can be got cheaper.

The Hon'ble Mr. Govindaraghava Aiyar suggests that Government should pay the extra one per cent. In doing so, he falls into the common error of forgetting that Government has no money of its own for disposal except that raised from the tax-payers. It comes to this, therefore, that in paying more than is necessary for the capital we want, the tax-payer will have to pay more in order that Indian investors should secure a larger profit. I am afraid that I can't think that it would be justifiable for us to lend ourselves to such a proposal. On the other hand, if there is one thing which is particularly desirable, it is that Indian capital should be more largely invested in the great commercial and industrial undertakings of this country. No doubt, a good deal of capital is available, but at present the Indian who has saved money and wishes to invest it is still shy of going in for the larger forms of investment, and we are consequently obliged to have recourse to the investor in England. I don't feel quite certain as to the reasons for this hesitancy, but I imagine that it must be attributed to a great extent to the fact that land—in spite of all that is said to the contrary—is still the best investment, and so long as an Indian has managed to save up some money in his professional or other avocations and can invest it in land, he has no desire to go in for an investment which pays less handsomely. With these few remarks I now close this discussion.

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The Secretary reported that the Madras Steam-boilers and Prime-movers (Amendment) Act, 1904, and the Madras Impartible Estates Act, 1904, which had been passed into law at the meeting of the Council held on the 19th January 1904, received the assent of His Excellency the Governor on the 6th and 8th February, respectively.

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

His Excellency the President:—I have the honour to announce that the Madras Steam-boilers and Prime-movers (Amendment) Act, 1904, and the Madras Impartible Estates Act, 1904, received the assent of His Excellency the Governor-General on the 13th February and 1st March 1904, respectively.

PETITIONS, ETC.

The Secretary reported the receipt of the following communications in regard to the Madras City Municipal Bill, 1903:—

(1) Proceedings of the public meeting of the Citizens of Madras held on the 27th January last.

(2) Petition from the Trustees of the Dharma Brahma Tirtham Charities, Rayapuram, dated 29th March 1904:

He also laid on the table the statement of security cases referred to in the answer to question XXXIV asked at the meeting of the Council held on the 12th April 1904.

THE MADRAS CITY MUNICIPAL BILL, 1903.

The Hon'ble Mr. G. S. FORBES:—I have now the honour to present the Report of the Select Committee on the Madras City Municipal Bill, 1903, and move that the Bill and report be taken into consideration at once. It is unnecessary for me to say anything at the present time, because all points of controversy will come up in due course when the amendments are considered. All that I have now to move is that the Bill and report be taken into consideration at once.

The Hon'ble Mr. G. Stokes seconded the motion.

The motion was put and agreed to.

The consideration of the title of the Bill was postponed.

The consideration of the preamble to the Bill was postponed.

Clauses 1 and 2.

Clauses 1 and 2 were allowed to stand part of the Bill.

Clause 3.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in sub-clause (11), line 33, after the word "sewer" the words "a house-drain" be inserted; and that after sub-clause (14), the following be inserted as sub-clause (14-A), namely:—

"(14-A). 'House-drain' means any drain of, and used for the drainage of, one or more buildings or premises, and made merely for the purpose of communicating therefrom with a public drain."

There are several references later on to house-drain, and there was some doubt as to whether it did not include the public drains in this City. Therefore, we propose to insert this definition.

The Hon'ble the Advocate-General seconded the amendment.

The Hon'ble R. N. PRAKASA MUDALIYAR:—I should like to know from the Honourable Member whether the expression in sub-clause (11) "a drain of any other description" would not include what is now proposed.

The Hon'ble Mr. G. S. FORBES:—It probably would include it. "House-drain" was originally in this definition and we removed it, because we did not use the term in the later clauses. But now we propose to alter "branch drain" into "house-drain" in certain clauses and therefore it seems desirable to introduce the term into the definition. This is simply a matter of drafting.

The amendment was put and agreed to.

The Hon'ble R. N. PRAKASA MUDALIYAR:—The amendment I propose to Your Excellency is that after sub-clause (15) the following be inserted as sub-clause (15-A), namely:—

"(15-A). 'Municipal authority' shall mean the officers appointed under sections 8 and 11, the Corporation and the Standing Committee as per sections 4 and 7."

This expression "Municipal authority" is referred to in various clauses of the Bill such as 14, 22, 23 and 24, and it, therefore, struck me that it would be well to define that expression. The Honourable Member may include any others that he likes. It would be well to understand definitely what is meant by "Municipal authority".

The Hon'ble M. Krishnan Nayar seconded the amendment.

The Hon'ble Mr. G. S. FORBES:—I regret I am not able to accept the amendment. No doubt in certain clauses the expression "Municipal authority" would cover these officers or bodies. But there are a great many other clauses in which this would not be applicable. In every one of them however it is clear to whom "Municipal authority" refers. Therefore, I cannot accept the amendment.

The amendment was put and lost.

The Hon'ble Mr. G. S. FORBES:—With Your Excellency's permission, I beg leave to move a verbal amendment of which no notice was given. The amendment is that in sub-clause (22) in the definition of "owner", the last thirteen words "whether on his own account or as agent or trustee for another person" be transposed and inserted after the word "receive".

The amendment was put and agreed to.

Clause 3, as amended, was allowed to stand part of the Bill.

Clause 4.

Clause 4 was allowed to stand part of the Bill.

Clause 5.

The Hon'ble M. KRISHNAN NAYAR:—I beg to move that in sub-clause (1) for the word "twenty" the word "twenty-four" be substituted. As the clause now stands it says that "twenty of the said Commissioners shall be elected at divisional elections." I say that twenty-four be substituted for twenty.

The Hon'ble Mr. G. S. FORBES:—May I interrupt the Honourable Member and point out that as the amendment is printed on the notice paper it has been split up into a number of different parts. I presume that the Honourable Member wishes to propose the amendment as a whole scheme.

The Hon'ble M. KRISHNAN NAYAR:—Yes.

The Hon'ble Mr. G. S. FORBES:—If so, I would suggest that the whole amendment to clause 5 be taken together.

The Hon'ble C. SANKARAN NAYAR:—The difficulty is that I do not support the whole of it, while I support the first one. I wanted to bring to Your Lordship's notice that I support the first part of the amendment. I am just pointing out to the Honourable Member in charge of the Bill that I will not be able to support the Hon'ble Mr. Krishnan Nayar's amendment as a whole, though I support this particular amendment he has moved. If I am not barred from moving my amendment, then it is all right.

The Hon'ble Mr. G. S. FORBES:—There is no objection to the Hon'ble C. Sankaran Nayar's moving any amendment which has not been voted upon.

His Excellency the PRESIDENT:—The simplest way is to take the amendments as printed on the notice paper.

The Hon'ble Mr. G. S. FORBES:—The Hon'ble Mr. Krishnan Nayar has got a regular scheme and sent it in that way.

His Excellency the PRESIDENT:—The Hon'ble Mr. Krishnan Nayar will speak to his whole scheme, and if the first portion is lost the others will lapse as a consequence.

The Hon'ble M. KRISHNAN NAYAR:—My Lord, I do not wish to detain the Council for any length of time.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—May I know whether the whole thing is to be discussed?

His Excellency the PRESIDENT:—I take it that the Hon'ble Mr. Krishnan Nayar is going to discuss the whole amendment.

The Hon'ble M. KRISHNAN NAYAR:—I have no objection to do that, but I think it will be more convenient for me to move the first amendment as it stands.

If this amendment is carried, some other amendments which I have proposed will also become necessary. But if, on the other hand, this is not carried, some of the other amendments that I have suggested may not be necessary. I think it will be more convenient, and I hope the Honourable Member in charge of the Bill will have no objection to consider this particular amendment separately.

His Excellency the PRESIDENT:—I think so. We proceed on that understanding.

The Hon'ble M. KRISHNAN NAYAR:—As I submitted, there is no necessity for detaining Your Excellency for any length of time in regard to this amendment. The amendment I wish to move is that out of the 36 Commissioners, which will be the number constituting the Corporation, 24 should be elected. The principle underlying this amendment was discussed at considerable length by myself and the other non-official Members at the time the Bill was introduced. Practically the arguments that

I have to advance on this occasion will be merely a repetition of those that I advanced on the former occasion. It is unnecessary to refer to those arguments now. One thing I may be permitted to say. The arguments that I advanced on the former occasion hold good with greater force on the present occasion. The proportion of the number of elected Commissioners to the total number of Commissioners is under the existing Act 24 to 32, that is, three-fourths elected Commissioners and one-fourth nominated Commissioners.

The Hon'ble Mr. G. S. FORBES:—That is under a notification of the Governor in Council.

The Hon'ble M. KRISHNAN NAYAR:—At any rate that is the system which is in force. Under the present Bill the maximum number has been increased from 32 to 36, so that the proportion of elected members to the non-elected members becomes much smaller, even if the existing number of elected Commissioners is retained. All the arguments that I addressed to Your Excellency on the first occasion based upon the principle of local self-government are more applicable now than they were on the last occasion.

The Hon'ble C. SANKARAN NAYAR:—I beg to second this amendment. Before proceeding to make my observations on this clause, I trust that Your Lordship will allow me to associate myself with what my friends have said in congratulating Your Excellency on your promotion. With reference to this clause itself, I accept the arguments which were used on a previous occasion so far as the numbers are concerned, and I would bring to the notice of the Council certain further arguments in favour of the amendment. In spite of the contradiction which the Honourable Member in charge of the Bill gave to my friend, I still wish to state that the proportion of elected Commissioners under the existing Act is three-fourths under section 8 of the existing Act, which says "Of the 32 non-official Commissioners, three-fourths shall, unless the Governor in Council otherwise directs, be appointed by election." That is the section and that has been the practice for this length of time. In considering this question this fact has to be borne in mind; that is, we have to see what the number of Commissioners is. We have fixed it at 36. Out of these, twenty are to be elected members, eight out of the remaining sixteen are to be non-elected. The question then is whether these four are to go with the twenty or to go with the other twelve who are to be nominated members. In all there are 36. Twenty of them are to be elected. That is certain. Twelve of them are nominated. That is also certain. The dispute is only as to four. The question then is simply one of relative importance. Supposing we have not to consider the question of nomination, supposing the Government have simply to consider whether the Madras Municipality ought to have 24 members or not, the other matters not coming up for consideration it is just possible the Government may say, seeing what has been the practice from 1884 till now, that 24 is a decent number and that it may remain as it is. The question now is as to where these four should come from—whether we can take the four out of the other sixteen. For that matter, we may take the practice of the past as a guide for the future and then frame a rule accordingly. In considering the practice of the past, let us see whether it is necessary to leave the sixteen in the way in which you have left it in the Bill—that is, allow twenty for election and sixteen for nomination and institutional representation. If you look to the practice of the past, I submit with confidence that the weight of the argument is decidedly in favour of the amendment. I shall state the reason. First of all, out of the eight seats reserved for Government to fill, one has till now been filled by a gentleman, a European member who represents the trade—I mean the seat now occupied by Mr. Stuart. It can hardly be conceded that after we have made provision for the representation of the trade in this way, namely, that we have allowed three seats to the Chamber of Commerce, three to the Trades Association, one to the Harbour Trust Board and one to the Railway Companies it will be scarcely fair to say that the Government should still retain the power to nominate to that one seat till now filled by a European, a member representing the commercial community. So that we have one out of the four which I now claim. I do not see the principle upon which the retention of that one seat is claimed. I await with interest the reply of the Honourable Member in charge of the Bill. Now I proceed to the second. I have got a list showing the nominations which have been made by Government from 1880 up to date. We find that there is another seat occupied by Colonel Formby. Obviously that seat also appears to me not to have been filled by Government with reference to the representation of any class of

interest. I do not see what class or interest is represented by that member. If it is to provide only for a man of business capacity coming to the Council, that is amply provided for by the present altered arrangement. That seat, I believe, was till now filled by a representative of the Parsi community. Till Colonel Formby was appointed, we had always a Parsi representative on the Commission from 1884 to 1900. But the fact shows that the Government have not considered it indispensable that they must have a seat at their disposal for that purpose. That is the second one out of the four that I claim. Then I concede at once that from 1884 you have always had two medical members on the Board, and I accept that and we won't touch those two seats. You have had till now a member to represent the Muhammadan community. I am afraid to say anything for fear of being misunderstood so far as the Muhammadan representative is concerned, and therefore I will accept the seat occupied by him. We will take the two medical members and also the Muhammadan member as certain to continue; and three is therefore an irreducible minimum. Deducting these three from eight we have five left. Out of these five I have referred to the seats occupied by Mr. Stuart and Colonel Formby. Let us take the other three. Of these three seats one is filled by Diwan Bahadur V. Krishnamachariyar who, I believe, is there as a representative, who is stated to be there or who possibly may be there as a representative, on educational matters. I have been sometime in the Municipal Council and have not been aware of any educational matter coming up for determination in which the services of an educational expert were necessary. Certainly that is not a seat which should be reserved in that way, when these interests are in conflict, so to say. We have to consider the question whether that is a seat that ought to be filled by election or to be given to a member representing primary or other forms of education. Unless you see some necessity for it, the decision should certainly be in favour of election. From 1884 till 1900, it has always been filled by some member who may be a representative of education, and there has been scarcely any question which required the presence of an educational expert. Of the other two seats, one is filled by Mr. N. Subramanyam. It is curious that, in the papers circulated to us, when it was stated by somebody that he was there as a representative of the Native Christian community, he disowned it at once and said "No, I have not been appointed because I am a Native Christian." That appears from the papers circulated. So far as the Native Christians are concerned, whatever may be the case with regard to Muhammadans, I am bold enough to say that they do not require any special treatment by the appointment of a member representing them on the Commission. They are influential enough to induce the Municipal Council to send a Native Christian to this Council as their representative. Another Native Christian who sought election to the Municipal Council has also been elected. Possibly circumstances may arise when Your Excellency may have to intervene in the interests of Native Christians. But judging of the matter from the circumstances which are within our horizon, I cannot see why any seat should be retained for that purpose. For years that seat has been filled by a member apparently for that purpose. The other member is supposed to be there as the representative of Eurasian community. That is the fifth. But I want only four. As to the Eurasian community also, whenever the members of that community have sought admission to the Municipal Council, they have found no difficulty in getting in. But apart from that we have this fact: that you have the Chamber of Commerce and the Trades Association which are represented by additional seats; and it is only in case that no Eurasian is returned by any one of these bodies or no Eurasian is otherwise elected to the Council that I should imagine that this power may have to be

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exercised. *Prima facie* it looks unnecessary, when these fresh seats are created. Therefore, you have it that out of the eight seats reserved for Government, three they may retain; but so far as other five seats are concerned, looking at the nominations made for the past twenty years, I submit that it is unnecessary for Government to have these seats at their disposal. But out of the five we only ask for four and my reason for it is this: I reserve one for Government because there may be some unforeseen contingencies which I cannot anticipate. Even if that is so, Your Excellency in Council will see that a man who is a representative of the Native Christian community or the Eurasian community or who represents some class may also represent any other classes or interests, for instance, the educational interests. It is unnecessary that we must have separate seats for each interest. Therefore, I submit that it seems to

me to be perfectly clear that if the Government reserve to themselves four seats out of the eight which they have at present, then it would be ample to meet all unforeseen contingencies. When the question for consideration is whether you ought to take away some seats from the class of elected members and reserve them for Government in order to provide for contingencies that might arise, I submit to the Council that fairly only one course is open to them, that is, to make them elective seats. After all if such unforeseen contingencies arise, there will be no difficulty to meet them. We are not the House of Commons and there is no difficulty in getting an Act passed. If there is any obvious difficulty, a Bill has only to be introduced and it can be easily passed. You need not see far ahead so as to provide for contingencies which might possibly arise, at some far distant time and interfere with the existing arrangements unless some clear necessity for it is shown. In these circumstances I support the amendment, and I trust that it will receive favourable consideration at the hands of the Honourable Member in charge of the Bill.

His Excellency the PRESIDENT:—It has been suggested to me that this will be a convenient moment to adjourn the Council. We will adjourn till 2-45 P.M.

The Council reassembled at 2-45 P.M.

The Hon'ble R. N. PRAKASA MUDALIYAR:—Your Excellency,—The point for consideration before the Council is whether in clause 5, sub-clause (1), the figure ought to be "20" or "24". The proposer of the amendment and specially the seconder have pointed out in forcible terms why the number of elected Commissioners should be 24; but I take a different standpoint for asking why the Government should not allow 20 to stand in addition to what has already been urged. The Select Committee has decided that it should be twenty and I think most people will be thankful for allowing the number to be brought up from sixteen to twenty, and this was done in view of the eight divisions consisting of twenty wards and it was thought necessary that there ought to be one Commissioner at least to look after the interest of each ward. That is no doubt very good. When the present Act was brought into force in 1884, these twenty wards were constituted, and the Government then thought that one Commissioner for each of these wards for all the divisions would not be quite enough and that in some divisions, considering the area, the population and the backwardness of the locality, and also the amount of work that would devolve upon the elected Commissioners, it was necessary to grant an additional Commissioner for four divisions. In the case of the second division which, though very small in area, is the largest in population, only standing next to the seventh, there are three wards, and the Government thought proper that three Commissioners would not be quite enough for looking after the local wants of the whole of the division. In the second division, there are about 7,400 houses and 8 hutting grounds and pacherries, some of which are villages in themselves, and 73 places where offensive trades of various kinds are carried on. Of course, it is a known fact that it is only the elected Commissioners that move about constantly within a certain range to look after the wants of the division and are in touch with the rate-payers to ascertain their wants and requirements, which is a thing scarcely done by the nominated Commissioners; and therefore considering the necessities of the division, the Government thought that three would not be enough, as now proposed in the Bill, and that four would be the proper number. Then comes the third division. It is also a very important division with a population of nearly 61,963, containing about 6,150 houses with 9 hutting grounds and pacherries and 72 places for carrying on offensive trades. It is the centre of important public offices in the beach, and it was thought that although there are only three wards in the division three Commissioners would not be quite enough and therefore one extra Commissioner was allowed for the division. Then comes the fourth division. This is very large in area, very nearly four square miles, though its population is only 23,000 and contains only 1,144 houses. There are, however, in that division, which is a scattered division, 16 hutting grounds and pacherries, all of a very extensive nature, and there are 30 different places for carrying on offensive trades about half of which is paddy-boiling. Considering the area of the division and considering that it is only the elected Commissioners that would constantly move about, it was thought the work for one man in the way of moving about would be too much and therefore it was thought that two would be necessary, although the division consisted of only a single ward. There was another fact why two were put in for this division. As a rule, so far as I have known for the last many years, no person living in the locality was elected a Commissioner for

that locality, or generally speaking a person who is not in the division and who was at some little distance from it was elected. To make the work as light as possible for that person, it was thought that though, in point of population and houses, that division was the lowest and was very small, two men would be absolutely necessary. Then the other division is No. 6. This only consists of two wards. The population of the division is about 24,000 and the number of houses is 2,000, but it contains about 130 hutting grounds and parcheries, which are very large, and about 130 places for carrying on offensive trades, such as paddy-boiling, cattle yards and so on. My Lord, in consideration of the additional work that would devolve upon the local Commissioners the Government was pleased, though it fixed the number of wards at 20, to give 24 Commissioners so that justice may be done to the work entrusted to them. I only point out these facts because they were not touched by either of the mover or the seconder of the amendment. I hope these considerations will also be borne in mind before the Council decides whether the number ought to be 20 or 24.

The Hon'ble Sir GEORGE ARBUTHNOT :—Your Excellency, I am strongly opposed to the amendment now under consideration, and as I am desirous not to take up the time of the Council on which the demand is likely to be so great by repetitions and frequent speeches, I trust that I shall not be out of order if I give my reasons now and once for all not only for opposing this amendment, the object of which is to increase the number of elected members, but also the subsequent ones which aim at decreasing the number of nominated members, as all these amendments practically hang together. I wish to point out that the alterations in the Bill relating to the constitution of the Corporation and Standing Committee, which have been introduced by the Select Committee with the sanction of Government and which I must confess that I personally acquiesced in with considerable hesitation and only from a strong desire to make any reasonable concession to what seemed to be pronounced native public opinion, do constitute a very substantial concession to this opinion. I cannot but express my regret that this concession has not been accepted, as I hoped it might have been, as the utmost which Government can do in this direction, but I wish to state emphatically my own conviction that any further tampering, if I may be allowed to use the word, with the constitution of the Corporation as provided in the new Bill will effectually destroy one of the main, if not the main, object of the Bill, namely, to create a Corporation which should be a less eloquent perhaps but more business-like body. In this Council Chamber and at our protracted

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meetings of the Select Committee there has been much moderation on the part of those

Honourable Members who are not in sympathy with that part of the Bill now under consideration, and I could wish that the same moderation had been observed elsewhere. I was not present when the Bill was introduced and am glad to have this opportunity of recording my protest against what may be called the "bird of passage" theory which has been adopted somewhat strenuously in many quarters—the theory that the European mercantile and trading community take no interest in Madras Municipal or other public affairs or in fact in anything else except the making of money and themselves getting back to England. My Lord, such statements are not only as regards the great majority of us, to put it mildly, incorrect, but their dissemination goes far to keep alive that feeling of race prejudice which it is the great object of all well-wishers of India to see dead and buried. What, Sir, are firms like my own—and I quote my own merely as one instance among many others and because I am naturally familiar with its affairs—are we who have been honourably connected with and carrying on business here in Madras for over 100 years which employ, as we do, over 12,000 persons of whom 95 per cent. are Indians and pay annually in wages and salaries not less than ten lakhs of rupees, are we to be told that we are birds of passage taking no real interest in Madras or Indian affairs and having no real stake in the country? The thing is absurd. I have not seen yet, My Lord, this bird of passage theory applied to Your Excellency or the Viceroy, for instance, because the period of your rule over us is unfortunately but a limited one, but I cannot for the life of me see why logically it should not be. Perhaps, however, our critics prudently bear in mind the picturesque Pathan proverb "The patience of the Sirkar is long as a summer's day, but the arm of the Sirkar is long as a winter's night." No, Sir, for my own part I am proud to be a citizen of Madras and have certainly no desire to evade the responsibilities of that citizenship. That is the feeling of the great majority of those Europeans who represent the commerce and trade of Madras, and I am satisfied that the introduction into the Corporation of a reasonable leavening of business men will increase its efficiency and be quite as much

in the interests of the native as of the European community. I do not wish my remarks to be unduly lengthy, but before sitting down should like to refer to two points which have been raised by the opponents of the changes introduced by this Bill. In the first place they say that both the Corporation and the Standing Committee will be entirely dominated by Europeans. Well, as regards the Corporation, seeing that the elected members will no doubt continue as at present to be almost, if not quite exclusively, Indians and that they number 20 to the 16 nominated members, this contention is palpably unreasonable, even apart from the fact that it by no means follows—in fact I suppose it is not at all likely—that all the members nominated by Government will be Europeans. As regards the Standing Committee, no doubt, it may happen that it will consist of four Europeans and four Indians in addition to the President. But there is not the least reason to suppose that the two Institutional and the two Government members will always, or even frequently, join together to oppose the reasonable wishes of the Indian members. The two Institutional members will no doubt rather take pride in being altogether non-official and opposed to anything in the nature of red tape, an undue affection for which they are perhaps too prone to accuse officials of. It is sufficiently well known that the Chamber of Commerce and the Trades Association are by no manner of means always in accord with the Government. On the other hand, the two Government members will be quite ready to oppose any action of the Institutional members which seems in the least intended to further commercial interests at the expense of the general community. There will, in short, be an admirable balancing of parties, and what is called class legislation seems in the last degree unlikely. The other and last point which I wish to refer to is the objection raised that the trade and commerce of Madras is not confined to Europeans, whereas the Chamber of Commerce and the Trades Association practically are. I have taken some trouble to ascertain the views of native merchants, and I have certainly convinced myself that rightly or wrongly they as a body are not desirous of taking or prepared to take an active interest in Municipal affairs and are quite satisfied to leave their interests in the hands of the representatives of the Chamber of Commerce and of the Trades Association. As between Indian and European merchants and traders, there is, I rejoice to say, no feeling of jealousy or unworthy rivalry. Your Excellency, for these reasons I must altogether oppose the amendment now before us.

The Hon'ble L. A. GOVINDARAGHAYA Aiyar :—Of the various provisions in the new Bill it appears to me that no provision is more important than this and Your Excellency will, therefore, bear with me in the few remarks that I propose to make on the amendment before the Council. The fact that there has been no opposition to the increase in the number of Commissioners to 36 is proof positive that it is not mere unreasoning prejudice that is the cause of this amendment being proposed. Your Excellency will observe that, while under the present Act, the proportion of the elected Commissioners to Government nominees is 3 to 1, under the Bill now before the Council, even after the amendment is accepted, it is 2 to 1. Therefore, I beg that Your Excellency will take it that in contending for the present amendment its supporters are not actuated merely by a desire to oppose the Government in this matter. Of course, I am sure that even the supporters of Government will agree with me when I say that it lies heavily upon them to show what necessity exists for a rule which has been so long in force being departed from as proposed now; and it is for that purpose that when the Bill was referred to the Select Committee considerations have been advanced as to why it was desirable that we should have only 20 Divisional Commissioners and the remaining 16 Commissioners should be institutional representatives or Government nominees. It is not my purpose here at this stage to question the wisdom or propriety of insisting upon institutional representatives. The modest request that we make is that the number of Divisional Commissioners be left undisturbed, especially when the total number of Commissioners has been raised from 32 to 36. The reasons which have been given for cutting short the number of Divisional Commissioners have been more than one. It has been said that commercial interests require to be represented, and it is also said that there was necessity for an accession of business ability into the Council. I submit that so far as those two reasons go, they stand upon independent footings and therefore require a different treatment. But before I proceed to deal with them, I beg leave to make certain observations with respect to what has fallen from the Hon'ble Mr. Stokes and the Hon'ble Mr. Forbes at the time when the Bill was referred to the Select Committee—

that according to those who oppose the Bill local self-government meant India for Indians. Even if that be so, it could not be considered an improper or unworthy idea, especially when the growth of that feeling has been very largely due to the enlightened and progressive British administration for which England justly takes credit among the nations of the world. It is not necessary for us to go into such a large question. But what those who are in favour of the amendment contend for is that there should not be a preponderance of one class or interest over another and that the Municipal government of the country should be mainly conducted by men who have permanent stakes in the country; and they think, I think with some reason, that whatever force there may be in the arguments advanced, it is sufficiently met by the fact that the rate-payers have a right to return whomsoever they like to the Municipal Council and they are not confined to any particular class of men or to any particular community in the matter of their choice. They think that whatever force there may be in the contention raised against them, it has been amply met by the provision now made for institutional representatives coming into the Council. Then it was said that so far as the existing class of rate-payers go, they have not shown, judging by previous experience, any interest in the Municipal elections from time to time. I am glad in this particular instance to be able to use the authority of figures which are not due to me. It was said that it was only 3,000 voters that interested themselves in elections held from time to time out of the total number of 6,000 electors; but I find, My Lord, in a note that has been made to the Report on the Material and Moral Progress in India for the decade ending 1901-1902, that even with respect to the London County Council the percentage of voters varied between 20.6 in London and 56.7 in Stepney. The same note shows that in Madras the percentage of electors to the voters is 33 per cent. Viewed by that test, it is a matter for congratulation that so many have gone to the poll. Your Excellency will see that it is only when there is a contest, there is any necessity for the voters to go to the poll. It appears to me, My Lord, that you cannot look at those figures and say that the interest had been wanting among the present class of voters in the matter of elections. Then it has also been observed that the electorate is confined to one class of community. On that point I beg to join issue. I beg to submit that the sole qualification being the payment of certain rates to the Municipal Council, it cannot be objected that the electorate is confined to a particular class, unless it be that the rate-payers are confined to a confined class. This is an argument which has been advanced with considerable emphasis. It has been said by the supporters of the Bill that the past success of the Municipality is due to the personality of Sir George Moore. I am not here to detract for a single moment from the ability and energy with which Sir George Moore conducted the affairs of the Municipality; but even he did accord his approbation to the great help and assistance that the Municipal Commissioners had given him in the discharge of his duties. This, at least, is recognised by the fact that the Commissioners have been able to pull on well with Sir George Moore, and it cannot be considered that the Commissioners have been in the past an obstructive lot. I submit, My Lord, it is not too much to suppose that there may be a few Sir George Moores in this Presidency. If it be that the success of the Municipality depends upon a single person and the Commissioners are such as can be easily kept in check by one single individual, this Government, with the prestige and power it has, can command a number of such Presidents. Fortunately the power of appointing Presidents rests with the Government. There is also this other circumstance: that if there is only a succession of Moores for some time, the Municipal Commissioners will be so educated that they will be able to come up to the required level of efficiency so that they will be able to carry on the Municipal administration even without the assistance of the people of the stamp of Sir George Moore. Passing now to the merits of the questions, it appears to me, My Lord, that the question of commercial interests should be considered separately from that of the accession of business ability to the Corporation. So far as commercial interests are concerned, it has been said by Sir George Arbuthnot that such interests as are now sought to be represented do not represent the whole of the interests that are available. But what is urged is that others who are similarly situated are willing to let the management lie with the Chamber of Commerce and the Trades Association. Your Excellency will observe that is not giving an adequate representation to commercial interests. There are other and more serious objections that I beg to urge in regard to this aspect of the matter. Unless there be something, of which the Municipality is in charge and which directly affects trade more than it

affects anything else, I do not see, My Lord, why a representation of commercial bodies should be insisted upon. The work which the Municipality has to do and the interest which it has to serve are not such as relate peculiarly to commercial bodies. These interests relate to every rate-payer. It may be that a commercial body employs a larger number of persons than a private individual. But it cannot be said that there is a difference in the interests which affect the rate-payers and the commercial bodies. In these circumstances it appears to me, My Lord, that there is no particular reason why there should be such a large representation of commercial interests. Again, I beg to submit that these commercial gentlemen, although it may be that they have in their hands a large volume of trade, are not the only persons who command those residing within the city and affected by the working of the Municipality. The rate-payers who are able to give their votes have their own servants and have also their own interests, and the volume of such interest as they have cannot be taken to be less than that of the interests that commercial bodies are concerned with. Under these circumstances, it cannot be stated that the commercial bodies as such require to be represented. Then the next point I would submit is that, according to the Bill as it has been sent by the Select Committee, it is not necessary for the commercial bodies to appoint any amongst themselves. All that they have to do is to appoint somebody, and he might be outside their body. This I bring to Your Lordship's notice only for the purpose of showing that the argument that had been advanced that there is more intimate relation between the employer and the employé than between the electorate and the Commissioner is not one that can be brought forward for meeting the objection in question. There is an amendment brought forward in regard to that point, the amendment being that those who represent the commercial bodies must be of the bodies themselves. Whether it will be passed or not I cannot say. If it be that it is competent for a commercial body to appoint somebody outside their own circle to represent their interest, I cannot see how it is not competent for rate-payers to appoint somebody to look after the commercial interests. Those people who are interested in the commercial transactions of the City are themselves rate-payers, so that I submit that whatever interests are to be represented are sufficiently represented by insisting upon the rate-payers giving their votes.

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I submit there is no necessity shown why a commercial body as such should be represented and should be given such a large amount of representation as is now sought to be bestowed. There is another matter to which I have already alluded, namely, the accession of business talent. I do admit, My Lord, that there is some force in that argument. Whatever force there may be in it, it is, I submit, met by the fact, that even accepting the amendment as proposed, there remain 12 members out of whom it will be perfectly competent for institutional bodies to appoint their own representatives. When once the question of representation of commercial interests is negatived, the number does not become important. What we want is men with the necessary ability and experience who will be prepared to lend to the Municipality their services. After all, the Municipal Commissioners in the past have not been such as would refuse the benefit of the help that may be given in the Council by one who may be better qualified than themselves. I do not see that so far as the accession of business talent is concerned, why it must be insisted on that there should be 12 Commissioners and not six. On the other hand, it has been pointed out by the Hon'ble Mr. Sankaran Nayar how under the circumstances of the case the number 12 can include not only those that represent commercial bodies but also others that the Government might have to nominate, without inconvenience or unsatisfactory results to any one; and it has also been pointed out by the Hon'ble Mr. Prakasa Mudaliyar how this number 24 is not a number which has been fixed upon purely sentimental considerations and how the actual needs of the various divisions required 24 Commissioners. Your Excellency will observe that if it is merely a question of there being less eloquence and more business being done by the Council by the accession of business talent into it, that will be met by having 12 members who might all be or most of whom might be business men. Under these circumstances I feel, My Lord, that I am bound to give my support to the amendment.

The Hon'ble G. SRINIVASA RAO:—The feelings of the Indian people, so far as the institutional bodies are concerned, are just the same that the Indian traders have about which we have been given an assurance by the Hon'ble Sir George Arbuthnot. There is no question of race feeling brought into the discussion of this matter

Happily he has given us an opportunity to give him our assurance that we do not propose to bring in any question of race feeling in the consideration of this matter. On the other hand, our admiration for our western brethren is so great that we feel that we cannot do everything that we have to do without their help and advice. That so many Indian people have dealings with his firm and also with other firms shows the great confidence that we have in them. If we support the amendment, it is because it disturbs immensely the existing state of things; and whether the Government means it or not and whether the Honourable Member in charge of the Bill means it or not, it casts, as it were, a sort of reflection, when it is unnecessary at all to do so. Under the existing Act the total number of Commissioners is 32, and three-fourths of that number is elected by the rate-payers. What is the reason for the change now proposed? That is the only question. A great deal has been said on a former occasion. All the reasons that had been given for that provision in the Bill have been met by the previous speakers; and I do not, therefore, propose to take up the time of the Council with a repetition of the remarks already made. We have yielded so far as the introduction of the representation of the institutional bodies is concerned. Could not the Government be prepared to yield to us and say "We will accept the existing state of things"? We are thankful to Government, as the Hon'ble Mr. Prakasa Mudaliyar had said, for having raised the number of elected Commissioners from 16 to 20, and all that we now ask is that what was 24 when the number of total Commissioners was 32 should be allowed to stand even though the number of Commissioners has been increased to 36. We do not at all have any objection to having representatives of the institutional bodies. On the other hand, we will be immensely proud to have them. Whether they were there before or not is a matter which I do not propose to discuss. They may have come in by a fluke, or they may have come in by some other way. We recognise their usefulness and we say that we will be the better for them. With reference to the other amendments that will be proposed, they will be to the effect that instead of eight institutional members and eight Government nominees we should have six and six respectively or any other number which the Government may choose. All that we say is: Don't let us go down below what we were. It is a most reasonable request that we make. In spite of the protest made by Sir George Arbuthnot, I hope that the advisers of Government will see fit to yield to us and see that we are placed in the same position as before and that we are not lowered in any way.

The Hon'ble Mr. M. HAMMICK:—Having sat on the Select Committee, it is not right for me to give a silent vote on this matter, but I shall only say a very few words on the subject. One of the Honourable Members opposite laid down very strongly that it is for Government or the supporters of the Bill to show very strong reasons that a change is required. Your Excellency, since the Bill was introduced and its first reading was accepted, I suppose we may accept that a change is necessary or is supposed to be necessary in working the Municipal Council. I think it has been generally recognised—I gather this from the enquiries I have made of the persons whom I have seen within the last five months and from the discussion we have had in the Select Committee—that at present the Municipal Council fails first of all from want of representation of very large commercial interests that exist in the town, secondly, that it fails from a certain absence of business capacity in the members who are on the Council, and thirdly, it fails, I think, from the circumstances of the Council leading to a certain dislike on the part of a section of the society in the City to which assistance is going to be given for representation—to a certain dislike which exists on their side to take part in the proceedings of the Commission on the ground that it is a tremendous waste of time to do so. It is to correct these failures on the part of the Municipal Council that this Bill was framed. From the discussion we have had in the Select Committee, it was quite clear, whatever the Hon'ble Mr. Govindaraghava Aiyar may say, that the elections up to date or at least a great majority of the elections in the City have been what we in England should reckon as farcical. The Hon'ble Mr. Sankaran Nayar has pointed out how there was a small clique of nominees on the Municipal Council. No doubt they may be efficient members. But there are circumstances which absolutely show that there was no interest taken in the ward elections. The Bill proceeds on the basis of giving certain institutions in the City a certain number of representatives, and it originally reduced the number of elected Commissioners down to 16. In the Select Committee I myself very much

supported the compromise we arrived at of raising 16 to 20. I am exceedingly glad that compromise was accepted, although I am not prepared to say that we could not work any system of administration with success with a larger number of elected representatives. I think it certain that the maximum that we have got now is the only number which would enable the new system to work with satisfaction. The commercial part of the City represented by Sir George Arbuthnot has accepted that compromise. I myself am quite prepared to go so far as that. I think the members are somewhat wanting in a spirit of compromise if they cannot accept that number. My own belief is that if this Bill is passed we shall find, as has happened elsewhere, that we shall get a new body of Commissioners who will work with perfect harmony and, I hope, with improved business qualities; and I hope we shall find that, under the new régime, our local wants will be satisfied in a more satisfactory way than hitherto. I specially wish to say that so far as this clause is concerned, I disagree with the Honourable Member who said that this was a most important part of the Bill. The most important part of the Bill is that to which we have devoted a great deal of attention, that which will enable house-holders of this City to feel that they are somewhat more secure and that their sanitation and general welfare will be better looked after in the future than they have been in the past.

The Hon'ble Mr. G. S. FORBES:—After what the Hon'ble Mr. Hammick said, there is very little for me to say. The Hon'ble Mr. Krishnan Nayar, in moving his amendment, simply repeated what he said when the Bill was introduced, with reference to the alteration in the constitution of the Corporation, a subject which has already been threshed out. I take it that the vote then given finally established as a principle of this Bill that there should be so many elected members, and that the interests of commercial bodies and of Government should be represented by a substantial number of nominated persons. Any argument, therefore, which goes to subvert this constitution of the Corporation would really be out of order. The main argument against the alteration is as regards the distribution of the members. In the original Bill the number of elected Commissioners was 16, and of nominated members 16, and it was proposed that of these eight should be appointed by Government and eight should be appointed by institutional bodies. We have now decided that the number of elected members may be raised to 20, and that this will still give substantial weight to the opinions of those who represent institutional bodies or who are appointed by Government. There must be a limit. Suppose that out of a body of 36 or 40 Commissioners there were only two or three institutional members and two or three Government nominees, what would be the effect of their votes in the Corporation? The Hon'ble Mr. Sankaran Nayar, in order to show that 24 Commissioners might with safety be elected, went through the total number of Commissioners now appointed by Government to the Corporation and by a sort of *reductio ad absurdum* attempted to show that each of these individuals represented no interest of any importance and might therefore be safely dispensed with, and that the balance left after the elimination suggested by him should be added to the number of elected Commissioners. I am astonished at his moderation in asking only four to be added to the elective seats. My wonder is that he has not urged that the whole of the eight seats should be reserved for election. Whether the members who are now Government nominees are representatives of the interests which ought to be represented or not is not the question before us. We are not responsible for the nominations of Government made in the past. Very likely those nominations were made because the present Act was more or less a bad Act. The principle of the Bill is that in this City there are interests which are of the highest importance and which should be safeguarded in the Corporation. That has been conceded both in Bombay and Calcutta. Apart also from interests represented by elected rate-payers and commercial interests, the Government have large and direct interests which they ought to have power to appoint persons to represent fully. The Bill now gives Government power—or it will when the constitution has been altered on the lines proposed—to see that their own interests are more immediately represented than it has been possible to do under the present Act. So far as commercial interests are concerned, as pointed out by Sir George Arbuthnot, the reason why the great commercial interests of the City have been so ill cared for in the past is the insufficiency of representation. It is not possible for Government out of their nominees to give these interests more than

one or at most two representatives, and as to securing representation through the elected members, it is hopeless; there are few

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rate-payers who would take the trouble to elect members representing purely commercial interests. So far as commercial interests are concerned, the Bill provides that for the future they shall be substantially represented. As to the objection that the Corporation needs an infusion of business talent, the Hon'ble Mr. Govindaraghava Aiyar seems to think that a leaven of one or two would be effective. But no leaven would be of any use unless it forms a considerable portion of the Corporation. The Hon'ble Mr. Govindaraghava Aiyar mentioned that the rate-payers have the inherent right to elect all the members of the Corporation. I do not know whether he understood that to be the principle of local self-government and whether his idea was that rate-payers alone returned members to Corporations in England. As a matter of fact, if you want an analogy for showing that members of local bodies are appointed otherwise than by the votes of the rate-payers, I may point out that under the present English Local Boards Act one-third of the whole number of Councillors are not elected by the rate-payers; two-thirds are elected by the rate-payers and one-third are elected by the Councillors themselves. The doctrine which was enunciated to-day and also on a former occasion that the rate-payers have the inherent right to elect the whole Corporation, is not based upon fact or principle.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—I did not object to 12. I simply spoke about 24.

The Hon'ble Mr. G. S. FORBES:—Then I accept the Honourable Member's correction. The only thing that I need say, as the Hon'ble Mr. Hammick has pointed out, is that the proposed increase of the elected proportion from 16 to 20 is of itself a large concession on the part of Government and is a much larger concession than what has been given in Calcutta or elsewhere, where the principle followed was that the institutional representatives should constitute one-third, Government nominees one-third, and elected members one-third of the Corporation. Here the Government have gone to the extent of conceding 20 seats for election, in this way preserving also an elected member for each of the existing number of wards. The Hon'ble Mr. Prakasa Mudaliyar has used very strong arguments with reference to the practical question of the sufficiency of the number of elected Commissioners to do their duty by the wards. We have obtained figures for the different wards, and these wards vary considerably in population and in their circumstances. The Hon'ble Mr. Prakasa Mudaliyar seems to imagine that none of the Commissioners except an elected Commissioner is likely to do his duty by the wards. Besides the 20 elected Commissioners, there are 16 more, and I feel quite sure that among them all they will arrange to look after the different portions of the City satisfactorily. From the figures I have got from Mr. Pears, the President of the Municipality, I think it is pretty clear that there is not such a difference between the wards so as to require more than the proposed number of Commissioners. In any case we have taken the power in the Bill to alter the existing boundaries of the wards so as to define their limits with reference to the number of Commissioners and the arrangements they can make to look after the interests of the residents. I don't think, Sir, that it is necessary for me to say anything more on this occasion. I can only join with the Hon'ble Mr. Hammick in feeling quite satisfied that, when this Bill is passed, the distribution which the Government have finally accepted will work harmoniously. I have never at any time imagined any question of racial difficulty, and I do not believe for a moment that any such consideration will be brought into the practical working of the Municipal Corporation. I must therefore oppose this amendment.

The amendment was put and lost, seven voting for and twelve against it.

His Excellency the PRESIDENT:—The next two amendments lapse.

The Hon'ble C. SANKARAN NAYAR:—My Lord, I propose to move the omission of sub-clause (2) as it stands and to substitute in its place the one which is printed on page 11 of the agenda paper. Since the first amendment has been lost, the Council will have to substitute 16 for 12 and 8 for 6, and the amendment as altered will run as follows:—

“(2) Of the remaining sixteen Commissioners the Local Government shall appoint not less than eight, on the recommendation of such association or associations or classes of merchants, or manufacturers or tradesmen as the Governor in Council may from time to time prescribe by notification in the *Fort St. George Gazette*.

“Provided that of the Commissioners appointed under this clause—

“(1) three shall be members of the Chamber of Commerce;

“(2) three shall be members of the Trades Association.

“The number of Commissioners to be appointed under this clause shall, from time to time, be determined by the Governor in Council; but such number shall never be less than eight.

“The other remaining Commissioners shall be appointed by Government.” The object of the amendment is this. We have settled now by the refusal of the Council to pass the first amendment, that we ought to have twenty elected Commissioners and sixteen other Commissioners, that is institutional and nominated Commissioners together. The amendment now assumes that. The object of the amendment is first to indicate that the members who are to be elected by the Chamber of Commerce and by the Trades Association must be members of those bodies. Your Excellency and the Council will see that, as the Bill is drafted at present, the Chamber of Commerce can elect somebody who is not one of themselves. They may elect an outsider. This amendment is intended to provide against that contingency. The person elected must be a member of the Chamber of Commerce or the Trades Association. It would not do, for instance, for the Chamber of Commerce to say that a native gentleman like Sir Savalai Ramaswami Mudaliyar who is not a member is quite competent to do what is wanted and therefore we shall elect him to the Municipal Council. The Bill, as drafted, enables them to do that. But we say that that should not be done. The object of the amendment is to insist upon electing one of their number. The Council has rejected the amendment to decrease the number of nominated members from eight to four. The object of this amendment is to enable the Government at any time they think fit to increase the number of institutional representatives from eight to more than eight or *vice versa*. Supposing, for instance, at some time or other the Government see reason to consider that they do not want eight but that it is quite enough for them to have six or seven or five or even four institutional representatives, or that they are willing to give more than eight to institutions, this would enable the Government to do that. Your Excellency and the Council will remember that the Honourable Member in charge of the Bill, when speaking of the last amendment, said that practically he was not responsible for the past nominations by Government. Such things may happen again. If the Government consider that occasions may arise when they may not absolutely be in want of eight seats for themselves, this amendment leaves it open to them to give one or two more seats to institutional bodies. Therefore I say “The number of Commissioners to be appointed under this clause shall, from time to time, be determined by the Governor in Council, but such number shall never be less than eight.” But so far as the commercial interests are concerned, those who now represent them cannot complain of the amendment because their number can never be reduced. Their number might perhaps be increased. The other object of the amendment is that there may be other interests which are now allowed to be represented by the Chamber of Commerce and which might require a direct representation later on. In course of time a Native Chamber of Commerce may come into existence or there may be a different Trades Association which may be entitled to a direct representation or there might be other bodies or associations representing other classes who may be entitled to representation. If this amendment is accepted, it will leave it to Government to appoint associations or classes of merchants and then say that they shall have power to nominate a member. Those are the three objects indicated by the amendment. If there is any doubt about it on account of the wording of the amendment, the wording may be improved. Before speaking on the amendment, let me state at once with reference to what Sir George Arbuthnot stated that, for my own part, I am one of those who are not only glad but right anxious that there should be European members not only in the Municipal Council but wherever there are native members. The reason for that is perhaps a selfish one. Ever since we have been demanding or requesting the Government to concede to us some form of representation, our desire has been, so far as Hindus are concerned at any rate, to work in harmony with all other communities. They may have stood aloof or may not have stood aloof, and I wish to say nothing about it. So far as Indian members are concerned, there is only one opinion on the point. But so far as European colleagues are concerned, I am very sorry for the statements that have been made, because Your Excellency will remember that whenever European

Members came into the Council either from the University or from the Municipality, they have come in quite as much by the support of native voters as by the support of any other voters. The reason why we are all so anxious that we should have European colleagues to work with is this: if we are not quite up to the mark that is expected of us, up to the level required of us, then we will be able to improve by learning from them if they are superior to us; and if they are not superior to us, and if the European representatives who come into the Municipal Council are not our superiors and if we are able to show that we are as good as themselves and in some respects better, it is our purpose and our aim to find upon it the demand for better representation. Therefore, either for the purpose of learning or improving or for the purpose of afterwards bettering our prospects it has always been our object, not only here but throughout India it has been always the aim of Hindu members to get as many European colleagues as possible to work with them in order to learn from them, if it is possible to learn, by contact with them. That is the object, though this may not be mentioned by others, of our desire to associate ourselves with Europeans. If in a way we have improved and we show ourselves fit, we may tell the Government to look at our work and compare our work with the work of others. So far as I am concerned I certainly welcome as many European members

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as we can possibly get consistent with all ideas of justice and fair play. Now let us see how that has been done till now. The Hon'ble Sir George Arbuthnot has been saying that he felt hurt at some remarks made. I am sorry that any remarks should have been made to cause that feeling. Our complaint has always been that, in spite of our desire to have European colleagues associated with us in local self-government not with the Madras Municipality alone but with other bodies, they are not coming forward. I venture to state, in spite of what has been said, that if Sir George Arbuthnot or any member of the Chamber of Commerce who is likely to be returned should stand for election, there is not the slightest difficulty for them to get into the Council. They would have found far stronger support from the native voters than perhaps from among their own countrymen, for we should have been only too glad to welcome them into the Council. Your Excellency and the Council will find that, whenever European candidates have come forward for election, I believe, they have always succeeded in getting admission, so that if they are not in the Council the fault is their own, because they do not want to come into the Council elected by natives. I cannot give any other reason for it. My amendment is intended, as Your Excellency will see, to cure the apparent defect, while preserving everything that is good and meeting all the reasons that had been brought forward by the Honourable Member in charge of the Bill. The reasons urged by the Hon'ble Mr. Hamnick were that there must be a representation of commercial interests, you must have business capacity and you must have a check upon wild and desultory discussion. Everything is met by the fact that the members who are elected must be members of the body electing them; and that is what the amendment insists upon. When the Government introduced this provision, they desired that the members who are elected must be members of the Chamber of Commerce, etc. That was no doubt their intention. I desire, by this amendment, to carry out that intention, the intention being that the members elected must be members of these bodies. The electorate may be different and I leave that to be settled by Government. That is only reasonable because at another time there may be a different Chamber of Commerce or a Native Chamber of Commerce. Now there is a Trades Association, but there may be a different Trades Association later on. Therefore it is desirable that power should be in the hands of Government to see that there is fair representation. The Government will secure what is aimed at by insisting upon this: that the members elected are members of the body electing them. What possible objection can be taken to this is difficult to see. We only provide against the possible contingency of these bodies appointing or electing some one who is not of their number. I submit that this amendment is a very reasonable one. I introduce by the amendment the provision that the Government might appoint the electorate and the members elected must be members of those bodies. I did not insert the other two bodies, the Madras and the South Indian Railway Companies, not on account of any objection in principle but for a drafting reason. I see difficulty in working this provision. I was not present at the meeting of the Select Committee to raise this objection. I believe that the Companies will have to meet in London if they are to elect a representative.

The Hon'ble the ADVOCATE-GENERAL:—The Government is empowered to make rules for the election. That is a part of the Act.

The Hon'ble C. SANKARAN NAYAR:—The clause says that one shall be elected by the Madras and South Indian Railway Companies jointly. London is the head-quarters of these companies. You can make rules for them to meet in London and elect a person. I believe that the South Indian and the Madras Railway Companies will have to meet in London for making the appointment. You can make rules for the election, if you like.

The Hon'ble the ADVOCATE-GENERAL:—We cannot legislate for London.

The Hon'ble C. SANKARAN NAYAR:—Therefore you cannot work this provision. If the legal advisers of Government consider that there is no technical difficulty, I have no objection to insert that in the amendment. But I consider that there is that difficulty. The provision says that the Madras and South Indian Railway Companies should meet jointly to elect a member. I think it much better to leave it to Government to say that the Agent of the Railway Company ought to be a member. It is only a drafting difficulty, as I have stated. Company means either the Directors or shareholders. That is the reason why I omit that provision in my amendment. So far as the Harbour Trust Board is concerned, there is no objection in principle. There will be three representing the Chamber of Commerce and three the Trades Association and they will represent the Harbour Trust Board also. It may safely be left to Government to say whether the Harbour Trust Board should elect one or some other body. If the members of the Chamber of Commerce are also members of the Harbour Trust Board, the Government will perhaps not ask the Harbour Trust Board to appoint some other person; but if they are not members of the Harbour Trust Board, then perhaps the Government would consider it necessary to ask them to appoint a person. That is only a matter of detail, and not a matter of principle. The three principles to be kept in view are these: first of all, the electorate is to be selected by the Government, secondly the members to be elected must be members of the bodies concerned, and thirdly if the Government see fit at some future time to give some more seats for election this would enable them to do so.

The Hon'ble Mr. G. S. FORBES:—Does the amendment mean that the Government might give eight over to election?

The Hon'ble C. SANKARAN NAYAR:—Yes, if they like.

The Hon'ble M. KRISHNAN NAYAR:—I beg to second this proposition, and in doing so I wish to say one or two words. I endorse all the remarks that fell from the Honourable Mover of the amendment. I may add that the suggestion contained in this amendment, viz., that the recommendations are first to be made by certain associations or bodies and that secondly on the strength of such recommendations the Government is ultimately to nominate or appoint persons—is practically to follow the precedent which is now followed by Government in the matter of nominations to this Council in respect of the southern and northern groups of members who represent the District Boards and Municipal Councils and also in respect of members returned by the University and the Madras Municipality. The course that is now followed is that these respective bodies recommend particular persons to Government for its acceptance, and it is open to Government either to accept or not the candidates recommended by these respective associations or bodies. The course that is now suggested is simply the one that is now in vogue with regard to Legislative Council elections. Seeing that there is a precedent, it is convenient that this should be followed. With reference to the difficulty pointed out by the Hon'ble Mr. Sankaran Nayar in regard to the working of this particular clause (d) that the railway companies should jointly nominate one person, the Advocate-General seems to be of opinion that there is no difficulty whatever in working the clause. On the other hand, the Hon'ble Mr. Sankaran Nayar seems to be decidedly against that opinion. It is not legally possible that any member could be appointed by these two companies jointly unless the appointment is made in London. It is for the Government and its legal advisers to ultimately decide the question. So far as the Chamber of Commerce, the Trades Association and the Harbour Trust Board are concerned, there is no such difficulty as each of them has its head-quarters in Madras. With reference to the Madras and the South Indian Railway Companies, the difficulty is: who constitute the companies? Is it that the Traffic Managers or the Agents of the two railway companies who are

to meet and recommend a person, or is it that a certain section of the officials working under the Madras and South Indian Railways are to meet and elect a person? All these are the difficulties that *prima facie* suggest themselves.

The Hon'ble Sir GEORGE ARBUTHNOT:—The question raised in the amendment as to whether the members of the Chamber of Commerce and the members of the Trades Association should have the right to appoint any body outside their own body was fully discussed by the Select Committee. I find that the Hon'ble Mr. Sankaran Nayar was unfortunately not present then. On that occasion I explained very fully the reason why the Chamber of Commerce should have the right to appoint anybody, whether he is a member of the Chamber or not. The Chamber will appoint one of their own body in most cases, but there might be persons of more experience—for instance, an Assistant in a firm who might not be a member of the Chamber or there may be a merchant who is no longer a member of the Chamber—whom it is desirable to appoint. It will be the duty of the Chamber of Commerce to select the best person. We are therefore desirous that we should have the power to elect anybody whom we like. About the question as to railway companies, the difficulty pointed out is a legal one; and I think that if the Agents of the two companies are empowered to nominate a person, it would suffice. If the result of the amendment is to give the Government the option of increasing the number of elected members, that is, from my point of view, not desirable. The whole decision that we came to was that the number of nominated Commissioners was to be 16.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—I beg to say a few words in support of the amendment. I am sure that one who supports this amendment will not be taken to be wanting in sympathy with those who are anxious to improve the tone, the dignity or the efficiency of the working, of the Municipal Council. If at all, we are anxious that the principle which the Government has in view should be given effect to more fully than the present language would allow. I, therefore, submit that once we determine upon having business ability, it is desirable that we should have the best business ability that we can procure; and the best business ability is to come from the Chamber of Commerce and the Trades Association. Once the principle is granted, there is no reason why the amendment should be rejected. On the other hand, we wish to provide against such a contingency as was pointed out by the Hon'ble Sir George Arbuthnot. I believe I shall be supported by the Council when I say that we can expect the work to be much more efficiently and properly done, if the members of the Chamber of Commerce themselves take part in the work of the Municipality than if they depute somebody else in whom they have confidence and of whom the Government knows nothing. The Government has acted upon certain principles, and they know exactly who are the persons that can be trusted. The body having been fixed, it will be a kind of double distillation to let the Chamber of Commerce appoint some nominee of theirs to the Municipal Council. I also observe that the Calcutta Act makes no provision for a representative of the railways nor the Bombay Act for the matter of that. Therefore, there does not seem to me any great reason why it should be insisted upon that the railway companies should appoint a person to the Municipal Council. Liberty is given to the Government to appoint any person from the railways or from the Harbour Trust Board or any other body, not merely eight but more. As to the difficulty suggested by the Hon'ble Sir George Arbuthnot that the Government might appoint all the eight from the Chamber of Commerce, the Chamber of Commerce will be bound to nominate three and will appoint three; and if the Government appoints more, it will be competent for the persons so appointed to refuse to take up the appointment. So there is no practical difficulty in working this provision.

The Hon'ble R. N. PRAKASA MUDALIYAR:—As a similar amendment stands in my name, that is, that the members appointed by these institutional bodies should respectively be the members of these bodies, I desire to say a few words. The intention of Government in introducing business men into the Corporation was that things could be done in a better style, in a better manner and more efficiently; and if that is the view upon which these institutional bodies are given the privilege of returning a certain number of representatives, it only stands to reason that the men that are returned by these bodies shall be men who have a direct interest in such associations. I therefore strongly support this amendment.

The Hon'ble Mr. G. S. FORBES:—I feel bound to oppose this amendment. The amendment has certain points about it which are rather taking, specially with reference to that part of it which allows the Government to permit other associations than the Chamber of Commerce and the Trades Association to nominate. That would give a free hand to Government to designate other institutions than the Chamber of Commerce and the Trades Association and empower them to send up members to the Corporation. If the Hon'ble Mr. Sankaran Nayar had been present in the Select Committee when this point was under consideration and put forward his amendment there, I am not sure that they would not have accepted that portion of the amendment which would allow the designation of the institutional bodies outside the Chamber of Commerce and the Trades Association to remain in the hands of Government. The amendment seems however, so far as I understand it, to be of a rather subtle character

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and would allow the Government to throw the election of 8 out of 16 members into the hands of rate-payers instead of their being appointed by Government or institutional bodies. The Government, however, definitely say that they shall only send eight members and that the remaining eight shall be sent by institutions. It is impossible therefore to accept this amendment. The other part of the amendment is covered by the amendment of the Hon'ble Mr. Krishnan Nayar and by that of the Hon'ble Mr. Prakasa Mudaliyar. With regard to the point that persons nominated by the Chamber of Commerce and the Trades Association shall be members of these bodies, the Hon'ble Sir George Arbuthnot has pointed out the reasons why that should not be applicable either to the Chamber of Commerce or the Trades Association. The Hon'ble Mr. Govindaraghava Aiyar has cited the Calcutta Act, but he will find that in that Act no restriction of this sort is placed upon the appointment of persons.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—It is the Bombay Act that is in my favour on this point.

The Hon'ble Mr. G. S. FORBES:—At any rate the Calcutta Act places no restriction upon the Chamber of Commerce and the Trades Association as to the persons they should send up. The Chamber of Commerce is an influential body though a small body and has large commercial interests, and they can be trusted to nominate men who are qualified for the duty. A trust has been placed in the Chamber of Commerce and also in the Trades Association which the Government feel satisfied will be properly discharged. I don't think it necessary to follow the Hon'ble Mr. Sankaran Nayar's remarks about European members and the welcome which European members receive when they are appointed to Municipal Councils or to similar bodies. I quite understand that the Honourable Member is dissatisfied that European members do not come forward. The reason why European members do not come forward is that they have to sit down at the Municipal table and listen to a deal of talk while little or no business is done. What they feel is that unless the business is carried on in a rather different method from that which finds favour with the native members, the result is needless discussion and no business is done. That is the reason why they do not come forward; otherwise they would very willingly give their services. It is not that Europeans do not like to come forward, but that for the reason I have stated they do not think that any useful purpose will be served by their coming forward. European members will readily come forward if there is some prospect of European methods of business, not only European methods of business, but ordinary common-sense methods of business, being observed.

The Hon'ble the ADVOCATE-GENERAL:—I want to say one word about the question of drafting. As to the appointment of a member by the Madras and South Indian Railway Companies we felt that the matter was left vague as the Bill now stands. Accordingly there is an amendment to section 408 which empowers the Government to make rules to regulate the conduct of elections and the appointment of Commissioners. As to the contention that the Madras and South Indian Railway Companies should appoint their member in London, I do not understand it. Seeing that the Madras and South Indian Railway Companies can build a line and carry on a great business here, there is no reason why they should not appoint a Municipal Councillor in Southern India. In order to clear up any possible doubt, if this amendment is rejected, I would ask Your Excellency's permission to substitute for the words "as

follows" the words "in such manner as the Local Government may by rule prescribe". I would also ask Your Excellency's leave to propose an amendment to omit the word "jointly" in sub-clause (d), because there is no question whatever that the Local Government will have the fullest discretion in settling how these railway companies should exercise their power of appointment. It is plain that some scheme should be drawn up and there is no scheme on the face of the Bill. That is a matter that we felt in the Select Committee, and we had no materials to draft a scheme. It may be that the Government might wish that the South Indian Railway Company should appoint the member on one occasion and the Madras Railway Company on another. I say that it would give a free hand to Government if the word "jointly" be omitted. When the time comes I shall move an amendment, and if that amendment is carried, there will be no legal difficulty of the kind suggested by the Hon'ble Mr. Sankaran Nayar.

The Hon'ble C. SANKARAN NAYAR:—I just wish to say a word in reply. The Hon'ble Mr. Forbes has stated that he would have agreed to my first suggestion if that had stood alone, namely, leaving it to the Government to choose the electorate outside the Chamber of Commerce and the Trades Association. I regret I was not able to bring that forward before the Select Committee, nor have I put the amendment before the Council in such a form as to ensure for it a more favourable reception. It is just one of those instances where, as remarked by Your Excellency or Mr. Thomson yesterday, a good deal depends upon the way you ask for the thing; otherwise it would not be granted. If this amendment which is in itself a good provision is to be thrown out because on account of the form in which it is put before the Council, I regret it very much. As to the second provision which leaves the power in the hands of Government to determine what should be the number of representatives to be sent by these institutions, the number being never less than eight, the only answer vouchsafed to me is that the Government might in some moment of weakness give away all the eight seats to such representative institutions. For myself I won't regard that as a sign of weakness. If any Government does it, it will be open to the succeeding Government to change it, because any order once made is not irrevocable. I have made special provision for that by saying "shall from time to time be determined by the Governor in Council". If once you determine that eight shall be so appointed and if this does not work properly, it is open to you to say that it shall not be so. As to the statement that the representatives of institutional bodies should be members of those bodies, it is not a mere question of drafting as Sir George Arbuthnot has stated in the Council. It is said that they may find it necessary or convenient to appoint somebody who is not a member of the Chamber of Commerce to represent them. If that is a possible contingency, why not leave the matter in the hands of Government? Surely the Government is as competent as the Chamber of Commerce is to appoint a person, if it is settled that he is not to be one of that body but outside it. If the Chamber of Commerce are to select a person, let them select one of themselves. If they do not select one of themselves, let us leave the responsibility of selecting the person to the executive Government. Let a member come forward and let the appointment be made by Government. As to the other point I suggested I leave it to the legal advisers of Government to do what they think fit.

The amendment was put and lost, seven voting for and thirteen against it.

The Hon'ble G. SRINIVASA RAO:—I withdraw my next amendment to substitute the word "two" for the word "three" in clause 5, sub-clause (2), clauses (a) and (b).

With the permission of His Excellency the President, the amendment was withdrawn.

His Excellency the PRESIDENT:—The next few amendments which stand in the name of the Hon'ble Mr. Krishnan Nayar are identical with the amendment which has just been lost and fall through; and so does the amendment of the Hon'ble Mr. Srinivasa Rao.

The Hon'ble R. N. Prakasa Mudaliyar did not move his next amendment.

The Hon'ble G. SRINIVASA RAO:—I find that my amendment is immensely cut up. I sent in an amendment similar to the one which appears in the name of the Hon'ble Mr. Prakasa Mudaliyar. But only one portion appears in the agenda. Unless

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the amendment is taken up in connection with the Hon'ble Mr. Prakasa Mudaliyar's amendment, it is meaningless. What I did propose was that the nominations shall be from among these bodies and also that the word "their" be inserted between "of" and "failure" and that the words "under sub-clauses (a), (b), (c) or (d) of this sub-section" be omitted in sub-clause (2). One-half of the amendment sent by me, which was identical with that sent in by the Hon'ble Mr. Prakasa Mudaliyar, was omitted and the other half of it is left. When the first half is cut out, I look small with the small second part of the amendment only. I suppose it will be granted that the first part of the amendment will also be taken up with this. Unless the two amendments are put together, my amendment is not complete. I understand that the Hon'ble Mr. Prakasa Mudaliyar does not press his amendment.

His Excellency the PRESIDENT:—That lapses.

The Hon'ble Mr. G. S. FORBES:—Has not the Honourable Member's amendment been substantially negated?

The Hon'ble Mr. J. THOMSON:—As far as I understand, the Honourable Member wishes to speak to an amendment which is not on the agenda paper. Did the Honourable Member arrange that this amendment should appear in the Hon'ble Mr. Prakasa Mudaliyar's name?

His Excellency the PRESIDENT:—Honourable Members each submitted a large batch of identical amendments instead of having concerted together in the first instance. I asked them whether they would withdraw those that were identical, leaving the Honourable Member who had sent them first to propose them. That is what happened. What the Honourable Member is contending for, I am afraid, is not still clear to me.

The Hon'ble G. SRINIVASA RAO:—Whether the Hon'ble Mr. Prakasa Mudaliyar gives up his amendment or not, I beg to submit that my amendment is one which ought to be considered unless you rule that that lapses on account of the previous amendment of the Hon'ble Mr. Sankaran Nayar having been lost.

The Hon'ble Mr. J. THOMSON:—If the Honourable Member's amendment is precisely the same as the Hon'ble Mr. Prakasa Mudaliyar's and merged in his and if the latter withdraws his amendment or refuses to put it, then the Honourable Member's amendment falls through.

The Hon'ble G. SRINIVASA RAO:—I do not know whether the President will rule me that way. When I sent in my amendment I sent it in full form. When I find that one gentleman does not press his amendment and if I have told that when there was that amendment I did not care for my amendment being in, I do not know if it is right that I should be precluded from moving my amendment.

The Hon'ble Mr. G. S. FORBES:—What is the amendment which the Honourable Member has proposed and which has not been negated?

His Excellency the PRESIDENT:—I would give you a ruling if I could only understand what the Honourable Member says. Is it that because the Hon'ble Mr. Prakasa Mudaliyar's amendment has been ruled out of order, the Honourable Member claims his right to move an amendment which is not in the agenda paper?

The Hon'ble G. SRINIVASA RAO:—That amendment does not cover the amendment which I wish to propose.

His Excellency the PRESIDENT:—There is not the slightest doubt that the Honourable Member's amendment that nominations under clauses (a), (b), (c) and (d) shall be from among the members of the said bodies is precisely the amendment of the Hon'ble Mr. Prakasa Mudaliyar.

The Hon'ble G. SRINIVASA RAO:—He does not press it, but I press it.

His Excellency the PRESIDENT:—He has no right to press it. It is left to the discretion of the President to decide the matter.

The Hon'ble G. SRINIVASA RAO:—I have moved an amendment and, if it is to be ruled out of order because the Hon'ble Mr. Prakasa Mudaliyar does not press it, I would request the Council to see whether his previous amendment covers this. My contention is it does not.

His Excellency the PRESIDENT:—It is not for the Council to consider it nor for the Honourable Member to press it. The amendment lapses and therefore he cannot press it. He has got no status.

The Hon'ble Mr. G. S. FORBES:—Before the clause is put, I should like Your Lordship to postpone the consideration of it in order that some drafting amendments may be made, with reference to clauses (c) and (d).

His Excellency the PRESIDENT:—Very well, the clause is postponed.

Clause 5-A.

The Hon'ble Mr. G. S. FORBES:—There is a verbal amendment to omit the words "the proviso to" in line 45. It is a mistake.

This amendment was put and agreed to.

Clause 5-A, as amended, was allowed to stand part of the Bill.

Clause 6.

Clause 6 was allowed to stand part of the Bill.

Clause 7.

The Hon'ble R. N. PRAKASA MUDALIYAR:—My proposal is to insert after the word "Corporation" and before the word "provided" the words "by ballot". The reason of that proposal is that it is very necessary that in the election of members for the Standing Committee people ought not to know which Commissioners vote for which persons. In fact that was the procedure that was adopted up to this time. You will find that in section 66 of the existing Act there is a provision that the election shall be by ballot. I have no doubt that the Honourable Member in charge of the Bill will have no objection to accept the amendment.

The Hon'ble M. Krishnan Nayar seconded the amendment.

The Hon'ble Mr. G. S. FORBES:—I regret I am unable to accept it though it seems rather ungracious not to do so. My reason is this. In the Bill as it originally stood, the members of the Standing Committee were to be appointed in a certain way—the elected Commissioners were to appoint a certain number, the Government were to appoint a certain number, and the institutional bodies were to appoint a certain number, so as to make it quite certain that the interests of these bodies should be properly represented on the Standing Committee. Now that the Government have allowed the Corporation to elect freely instead of Government's retaining the right to appoint its own members or empowering the institutional bodies to appoint their own members—now that the Government have authorised the Corporation at large to elect the members of the Standing Committee, who will be a most important body under the Bill, it is a matter of some moment that the voting for these members should be open, so that the people at large may know why certain members are elected for these important functions.

The Hon'ble R. N. PRAKASA MUDALIYAR:—If no other Member wishes to say anything, I will say a word in reply. I don't think that the reasons adduced by the Honourable Member in charge of the Bill for opposing this amendment are very cogent. There is no doubt that the Bill provides that two members shall be appointed out of eight members representing the institutional bodies. There are so many gentlemen who are members of the Corporation, and I think it will be most invidious for any member to say openly that he prefers A or B to C and that is not a very pleasant position for a Commissioner to be in. I think it is very desirable that whoever it may be that has to be appointed or elected, the thing should be done by ballot so that the gentlemen on the Commission may not know who has been voting for whom.

The amendment was put and lost, five voting for and ten against it.

The Hon'ble R. N. PRAKASA MUDALIYAR:—My next amendment is that in sub-clause (2), the proviso after the word "Corporation" be omitted, the proviso being "provided that four shall be Divisional Commissioners, two shall be Commissioners appointed under clauses (a), (b), (c) and (d) of sub-section (2) of section 5 and two shall be Commissioners appointed by the Local Government under clause (e) of the same section." I think that not to give the Corporation the full liberty to appoint the very best persons they like is rather an invidious thing. It cannot be said that the Corporation as a body will not elect either the nominees of Government or the nominees of institutional bodies. Past experience has shown that with eight members nominated by Government there has never been any friction or unfriendly feeling between the elected and the nominated Commissioners. As a matter of fact, we find that in the present year two of the nominated Commissioners are members of the Standing Committee. Therefore, there is no reason to fear that in the absence of a proviso like this the power or privilege of electing members for the Standing Committee will be abused by the Corporation.

The Hon'ble M. KRISHNAN NAYAR:—As an amendment of exactly the same nature stands in my name I second it. I submit that it is not right to make a distinction between one class of Commissioners and another, once they have been nominated or elected. It may be that originally these Commissioners represented different bodies. But once these come into the Council, all are Municipal Commissioners; and as I have already stated it is wrong in principle to perpetuate a distinction which existed when they were not Municipal Commissioners. Before their actual nomination or election or appointment, they were members of different bodies and as such there were distinctions. But once they become Municipal Commissioners all are Municipal Commissioners; and I think that no distinction ought to be made between one class of Commissioners who have become Commissioners in a particular way and another class who have become Commissioners in another way.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—With Your Excellency's permission, I beg to say a few words. The principle, I submit, to be followed in this matter should be to interfere as little as possible with the working of the Corporation, and only when it is considered absolutely necessary to interfere with the working of the Municipality. In the present case, there are twenty elected Commissioners and sixteen Commissioners appointed by institutional bodies and Government. It is not reasonable to suppose that the elected Commissioners will be against the others. It appears to me, My Lord, that it will be preserving an invidious distinction by insisting that so many members of the Standing Committee should belong to a particular class of Commissioners and so many others should belong to another particular class.

The Hon'ble Mr. G. S. FORBES:—I regret not to be able to accept the amendment. It is necessary to recall the state of the Bill when it went to the Select Committee. The Bill, as originally drafted and as approved by the Government of India, laid down that one-third of the members of the Standing Committee should be from among the elected members, one-third from the Government nominees, and one-third from among the institutional representatives. The Government have now altered this proportion and have allowed the elected Commissioners to have half the number of members in the Standing Committee, while the Government nominees and the institutional bodies have the other half between them. As to the other point to which the Government of India attached some importance that the representatives on the Standing Committee both of the Government and the institutional bodies should be appointed respectively by the Government and the institutional members of the Corporation, the Government have given it up and have allowed the whole body of the Commissioners to make their choice from among the nominated members and institutional members. The Hon'ble Mr. Govindaraghava Aiyar said that this proviso should not be insisted upon. The Hon'ble Mr. Govindaraghava Aiyar was in the Select Committee and is aware of the very large powers which this Bill places in the hands of the Standing Committee. In fact, the Standing Committee is the working authority in the Municipality and will have a great deal more power than it ever had before. One of the objects of the Bill was to introduce into the Corporation not only representation of interests but also business capacity; and to secure proper business talent in the working of the Municipality it is most important to have members on the Standing Committee especially from the institutional bodies. And therefore I think it is

essential that the Corporation should be bound to elect both from institutional representatives and Government nominees the two members each. The Select Committee have made all the concession in this matter which the Government can accede to. The omission of the proviso would prejudice one of the fundamental principles of this Bill. For these reasons I am unable to accept the amendment.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—Suppose the Commissioners, appointed by institutional bodies refuse to work, what is to be done?

His Excellency the PRESIDENT:—Why should the Honourable Member suppose anything of the sort?

5 P.M.

The amendment was put and lost, four voting for and fourteen voting against it.

His Excellency the PRESIDENT:—The Hon'ble Mr. Krishnan Nayar's amendment lapses.

With the permission of His Excellency the President, the Hon'ble G. Srinivasa Rao withdrew his next amendment.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—Will Your Excellency permit me to point out that it is necessary to make a verbal amendment in sub-clause (2)? Here Your Excellency will observe that "two shall be Commissioners appointed under clauses (a), (b), (c) and (d) of sub-section (2) of section 5". In clauses (a), (b), (c) and (d), there is provision made for the appointment of certain Commissioners, and the clause also recognises the failure to make the appointments. Suppose there is a failure to make these appointments, these provisions will be unworkable. I should therefore like to propose a verbal amendment for the insertion of the words "when such appointment is made".

The Hon'ble the ADVOCATE-GENERAL:—I do not think that any such question will arise at all. The Corporation have to elect the Standing Committee, and two of the members of the Standing Committee must be from among the Commissioners appointed under clauses (a), (b), (c) and (d). Even supposing that the Railway Companies refuse to act, a case which the Honourable Member seems to calculate, still there are seven Commissioners left and out of these the Corporation could elect two.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—I never referred to railways failing to appoint a representative. If my Honourable friend would remember it, it was at the instance of Sir George Arbuthnot that this provision was inserted on the ground that the Chamber of Commerce or any other body might refuse to appoint. Suppose it so happens that these bodies do not appoint anybody, then the Government would make the appointment, in which case it could not be said that those Commissioners are Commissioners appointed under clauses (a), (b), (c) and (d). It is therefore I move the amendment which is purely a verbal one.

The Hon'ble Mr. G. S. FORBES:—This point was considered already and it was understood that the existing clause would be sufficient. There will always be a certain number of persons appointed under clauses (a), (b), (c) and (d).

The Hon'ble Sir GEORGE ARBUTHNOT:—It was not at all a probability, but a possibility which was contemplated. The Chamber of Commerce might presumably wish to appoint two people and leave the third to be appointed by Government. It is not that no appointment is likely to be made. There is no suggestion that no institutional members will be appointed.

His Excellency the PRESIDENT:—As the contingency pointed out by the Hon'ble Mr. Govindaraghava Aiyar is very remote, it is unnecessary to encumber the clause with any more words.

The Hon'ble R. N. PRAKASA MUDALIYAR:—I beg to propose that in sub-clause (3), the words "or appointment" and "or appointed" be omitted. I don't think, My Lord, that the Honourable Member in charge of the Bill will have any objection to this proposal. According to the Bill as originally introduced in the Council,

some members were to be elected and some were to be appointed; but even though that state of things has been changed, yet by an oversight those words the omission of which I move are left to remain.

The Hon'ble Mr. G. S. FORBES:—I second the amendment. I will go further and say that the words "or appointment" and "or appointed" may be omitted wherever they occur in a similar connection. The Honourable Member will probably adopt that.

The Hon'ble R. N. PRAKASA MUDALIYAR:—Yes.

The amendment was put and agreed to.

The Hon'ble G. SRINIVASA RAO:—I beg to withdraw my next amendment for the insertion of the words "or ceases to be a member under section 82, sub-section (8)" after the word "period" in the proviso to sub-clause (3).

With the permission of His Excellency the President, the amendment was withdrawn.

The Hon'ble Mr. G. S. FORBES:—As sub-clauses (a), (b), (c) and (d) of clause 5 are referred to in this clause and as the passing of that clause has been postponed, I would ask Your Excellency to postpone the consideration of this clause also.

His Excellency the PRESIDENT:—The passing of this clause is postponed pending further consideration of clause 5.

The Council was adjourned till 11 o'clock the following morning.

Proceedings of an Adjourned Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Vic., cap. 67, and 55 and 56 Vic., cap. 14.

The Council met at the Council Chamber, Fort St. George, at 11 o'clock, on Thursday the 14th day of April 1904.

PRESENT:

His Excellency Baron AMPIHILL, G.C.I.E., Governor of Madras—*Presiding*.
 The Hon'ble Mr. J. THOMSON, C.S.I.
 The Hon'ble Mr. G. STOKES, C.S.I.
 The Hon'ble L. A. GOVINDARAGHAVA Aiyar Avargal.
 The Hon'ble C. SANKARAN Nayar Avargal.
 The Hon'ble K. VASUDEVA Aiyangar Avargal.
 The Hon'ble Mr. M. HAMMICK, C.I.E.
 The Hon'ble Mr. C. J. WEIR.
 The Hon'ble R. N. PRAKASA MUDALIYAR Avargal.
 The Hon'ble Mr. J. TWIGG.
 The Hon'ble Diwan Bahadur R. V. SRINIVASA Aiyar Avargal.
 The Hon'ble Mr. J. N. ATKINSON.
 The Hon'ble Dr. A. G. BOURNE, F.R.S.
 The Hon'ble G. SRINIVASA RAO Avargal.
 The Hon'ble M. KRISHNAN Nayar Avargal.
 The Hon'ble Sir G. G. ARBUTHNOT, *Kt.*
 The Hon'ble GHULAM MUHAMMAD ALI SAHIB BAHADUR, Khan Bahadur, Prince of Arcot.
 The Hon'ble Mr. G. S. FORBES.
 The Hon'ble Mr. H. P. HODGSON.
 The Hon'ble Mr. H. BRADLEY.
 The Hon'ble Mr. J. E. P. WALLIS (Advocate-General).
 The Hon'ble C. MUTTUKUMARASWAMI MUDALIYAR Avargal, Zamindar of Chunainpet.

THE MADRAS CITY MUNICIPAL BILL, 1903.

Clause 8.

His Excellency the PRESIDENT:—Honourable Members, I think it will be convenient to postpone clauses 5 and 7 until after tiffin as there is some discussion over it. We therefore go on to clause 8.

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Clause 8 was allowed to stand part of the Bill.

Clause 9.

The Hon'ble Mr. G. S. FORBES:—No provision is made for pension or gratuity to the President. I therefore beg to move—

That at the end of the clause the following be added, namely: "and shall be entitled to pension or gratuity in accordance with such rules as the Local Government may prescribe".

The clause as amended will then run thus: "The President shall receive out of the Municipal fund such salary and allowances as may be fixed by the Local Government and shall be entitled to pension or gratuity in accordance with such rules as the Local Government may prescribe".

The amendment was put and agreed to.

The Hon'ble M. KRISHNAN NAYAR:—I beg to move—

That for the words "such salary and allowances as may be fixed by the Local Government" the words "a maximum salary of Rs. 2,000 per mensem" be substituted.

As the clause stands at present the salary of the President is not fixed; it may be anything, a small amount or a big amount, and in the existing Act there is a provision to the same effect as this amendment. Section 36 of the Act says: "The salary of the President shall be paid out of the Municipal fund, and shall commence at Rs. 1,200 per mensem and may rise to Rs. 2,000 per mensem as, from time to time, may be fixed by the Governor in Council". So that under the existing Act the maximum is fixed at Rs. 2,000 and discretion is left to Government to increase it to any extent till that maximum is reached, the minimum being Rs. 1,200. In the amendment I propose nothing is stated about the minimum but only the maximum is mentioned.

The Hon'ble G. Srinivasa Rao seconded the amendment.

The Hon'ble Mr. G. S. FORBES:—I regret I am unable to accept this amendment. This suggestion was made when the Bill was introduced, and I gave reasons then for holding that such limitations would be very inexpedient. I then stated that if the maximum salary was fixed, it would prevent the Government from keeping on a man really capable or it may be that he might receive the maximum before he ought to receive it. Once you fix a maximum it is an almost inevitable result that in a very short time the President's salary is brought up to that amount even though otherwise it is quite unnecessary for him to get so large a salary. It is invidious not to give him the maximum salary when the Act allows it. In the interest of the Municipality, it is better that the control of the salary should be in the hands of the Government, just like the appointment of the person.

The amendment was put and lost, two voting for and ten against it.

With the permission of His Excellency the President, the Hon'ble G. Srinivasa Rao withdrew his next amendment.

Clause 9, as amended, was allowed to stand part of the Bill.

Clause 10.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That the following be added as clause (c) to the proviso, namely: "(c) This section shall not apply to any person appointed to act as President during the absence of the permanent holder of the office for any period not exceeding three months."

Clause 10, it will be observed, lays down restrictions on the amount of time and attention that the President has to devote to his work. It says: "The President shall devote his whole time and attention to the duties of his office and shall not engage in any other profession, trade or business whatever, etc." In the case of the President's absence on short privilege leave, say for three months, it may be, for so short a period, desirable to appoint some other person to take charge of the office who may be engaged in other work. This provision, I may add, is in the existing Act.

The Hon'ble R. N. Prakasa Mudaliyar seconded the amendment.

The amendment was put and agreed to.

His Excellency the President:—The next amendment of the Hon'ble Mr. Prakasa Mudaliyar is identical and lapses.

Clause 10, as amended, was allowed to stand part of the Bill.

Clause 11.

The Hon'ble Mr. G. S. FORBES:—I beg to move as an amendment—

That in sub-clause (2), lines 32-34, for the words "who may make rules regulating the grant of pension and gratuities to the said officers", the following words be substituted, namely: "and shall be entitled to pension or gratuity in accordance with such rules as the Local Government may prescribe."

This is a purely verbal amendment and was suggested by the Advocate-General in order to make the clause conform to the words that we added a few minutes ago to clause 9.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—I have a further amendment to propose to the proviso to the same clause. It is a purely verbal amendment and the Hon'ble the Advocate-General suggested it on the ground that it would make the clause shorter and remove a number of irrelevant words. The amended proviso runs as follows: "Provided that the salary of the Revenue officer shall not be more than seven hundred, nor less than three hundred and fifty rupees per mensem, and that the salaries of the Health officer and the Engineer shall not be more than one thousand nor less than five hundred rupees each per mensem."

The object of my amendment is to cut out the minimum. It is quite unnecessary that there should be a minimum as long as a maximum is provided. In the same proviso I propose another amendment to take power to bestow a higher salary on these officers with the consent of the Corporation. At present the maximum salaries are Rs. 700 in the case of the Revenue officer and Rs. 1,000 in the case of the Engineer and the Health officer. These maximum salaries were settled many years ago. But in the present day it is not at all unlikely that a larger salary may have to be offered to secure the services of a competent Engineer or Health officer. The Government do not however propose to exceed the maximum salary provided at present, unless it be with the consent of the Corporation. My amendments run as follows:—

That in the proviso to sub-clause (2), line 35, after the words "provided that" the words "unless with the consent of the Corporation" be inserted; and that in the proviso, the words "nor less than three hundred and fifty" in lines 37 and 38 and the words "nor less than five hundred" in line 41 be omitted.

The Hon'ble the ADVOCATE-GENERAL:—I second the amendments. It is possible that the Corporation may not be able to get its work done efficiently unless it is able to pay more salary than what is provided for in this clause. It is only to meet such a contingency that these amendments are moved.

The amendments were put and agreed to.

The Hon'ble R. N. PRAKASA MUDALIYAR:—I wish to propose an amendment similar to the one proposed by the Honourable Member in charge of the Bill to

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clause 10 which says that, in the case of officers employed for short periods not exceeding three months, the clause should not apply. What applies to the President applies to the case of the officers appointed under clause 11—that is, the Revenue officer, the Engineer and the Health officer. We find that even in the existing Act there is a similar provision in the case of the President and the other three officers. I think, therefore, there may be no objection to that amendment being inserted.

The Hon'ble Mr. G. S. FORBES:—I may perhaps explain that the proposal is already sufficiently provided for by sub-clause (4) which says: "The provisions of sub-section (2) of section 8 and section 10 regarding removal from and conduct in office shall apply to the officers appointed under this section."

His Excellency the PRESIDENT:—Do you wish to withdraw your amendment?

The Hon'ble R. N. PRAKASA MUDALIYAR:—Yes, I withdraw it.

Clause 11, as amended, was allowed to stand part of the Bill.

Clauses 12 to 14.

Clauses 12, 13 and 14 were allowed to stand part of the Bill.

Clause 15.

The Hon'ble R. N. PRAKASA MUDALIYAR:—Your Excellency, sub-clause (b) of this clause reads thus: "express an opinion on all matters referred for consideration by the Local Government." I think that power appears to be somewhat limited. Under sub-clause (f) of section 61 of the existing Act, the Commissioners are authorised "to express an opinion on orders or references coming from the Governor in Council". That gives the Corporation a larger scope for expressing its views on any order of Government that may come up before it, if it thinks it advisable in the interests of the Corporation that the Government should be informed of its views. It is to avoid the restrictive power proposed in the Bill, I beg to move—

That sub-clause (b) be eliminated and the following be substituted, namely: "to express an opinion on orders or references coming from the Local Government".

The Hon'ble G. Srinivasa Rao seconded the amendment.

The Hon'ble Mr. G. S. FORBES :—I am sorry I am unable to accept the amendment; sub-clause (b) in the Bill was deliberately drafted in this particular form, and the phrase "all references and orders of Government" was deliberately omitted. The Hon'ble Mr. Prakasa Mudaliyar's amendment, if carried, would have the effect of making it an imperative and legal duty of the Corporation to express an opinion on all orders which are communicated to the Corporation by the Local Government. If the order does not affect the Municipality and if their opinion is not asked for, it is not quite clear why they should express an opinion on it or pose as critics of the Local Government in any way. Sub-clause (b), as it stands, provides for all that is necessary. If we allow the Commissioners the right to express their views on all orders coming from the Local Government, then if the order is a final order it would be inexpedient to allow the Municipal Commissioners to express their opinion with reference to what the Local Government may have finally laid down. It is the imperative character of the amendment that I object to, because the Corporation would become bound by law to express an opinion on all orders and references coming from the Local Government.

The amendment was put and lost.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I beg to move—

That the following be inserted as sub-clause (c), namely: "call the attention of the President to any neglect in the execution of Municipal work, to any waste of Municipal property, to the wants of any locality as noticed personally by any Commissioner or made known to him by the inhabitants and to suggest any improvements which may appear desirable".

This amendment is also in keeping with the powers granted to the Municipal Commissioners under the existing law. Under section 61 of the Act the Commissioners have the power to call the attention of the President to any neglect, etc. I think at times this is a very useful provision. There may be many a matter in which the President may not be quite informed of what is really taking place; so giving the Commissioners power to draw the attention of the President to such matters is really very conducive to the good of the Municipality. As the clause has hitherto been working so well, I think that its continuance will do no harm.

The Hon'ble G. Srinivasa Rao seconded the amendment.

The Hon'ble Mr. G. S. FORBES :—I am ready to accept the amendment if the Honourable Member will omit the word "the" before "attention" and the words "of the President" after the same word.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I have no objection.

The Hon'ble Mr. G. S. FORBES :—The reason why I object to the reference to the President personally in this clause is because we are giving the Standing Committee and the Corporation large powers so that it is not necessary to restrict this clause to the President and stigmatise him particularly. The Corporation may be at fault and there is no objection to the Commissioners' expressing an opinion. At the same time it will have to be understood that the Corporation cannot pass a resolution which will bind the President or the Standing Committee or bind any authority in any way beyond what the Act will lay down. This Bill lays down the duties of the different authorities. So if the Corporation pass a resolution under this sub-clause it is not to be understood that it will impose any duty not within the purview of the Act.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I accept the alteration suggested by the Honourable Member.

The amendment, as altered by the Hon'ble Mr. Forbes, was put and agreed to.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I beg to withdraw my next amendment which relates to interpellation, as there is a similar amendment in the name of the Hon'ble Mr. Krishnan Nayar and as it is better worded.

The Hon'ble M. KRISHNAN NAYAR :—I beg to move—

That the following be inserted as sub-clause (d), namely: "(d) Every Commissioner shall have the right to interpellate the President on matters connected with the Municipal administration subject to such rules as may from time to time be framed by the Corporation with the approval of the Governor in Council."

The object of this amendment is to give power to the Commissioners to interpellate the President when occasions arise. I understand that that was the practice in this particular Corporation till some years ago, when it was discovered that the Act did not formally and legally give the power to the Commissioners for interpellation. So the system of interpellating the President which existed till then was disallowed. When this Bill was introduced on the last occasion, the Honourable Member in charge of the Bill, in reply to certain observations made by Honourable Members, said that very often no useful purpose was served by giving the power of interpellation to different members that constituted the Corporation. I beg leave to differ from him. The opinion which is contained in the amendment was once shared by Government, as will be seen from a Bill drafted in 1899 which was sent to the Municipal Commissioners for opinion, and where I find an identical provision containing this amendment. The substance of it is exactly the same as this amendment and the difference is only in the language. The Bill which was drafted in 1899 is contained in the printed paper circulated to the Honourable Members—paper No. 1, page 8, wherein it is stated "that in section 61 the following shall be inserted as clause 5: 'to interpellate the President on matters connected with the municipal administration subject to such rules as may from time to time be framed by the Commissioners with the approval of the Governor in Council'". In fact, the wording of the particular amendment except the first few words is taken from that draft Bill. The circumstance that a provision similar to the one contained in this amendment was thought fit to be inserted in a Bill drafted by Government shows that it is not an undesirable one. In any case if this provision is inserted in the Bill, it will do no harm to anybody, but will probably do much good.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I beg to second the amendment, and in doing so I would say only a few words. As the Honourable Mover has pointed out, this privilege was being exercised by the Corporation of Madras for many decades, and it was only in 1898 that I raised the technical question whether, in the absence of an express provision in the Act, the Corporation was right in interpellating the President. My contention was accepted, and since then the practice of interpellating the President ceased. The Commissioners were not at all satisfied with the giving up of that right; and so they made a representation to Government with the result that in a Bill drafted in 1899, a copy of which was submitted to the Commissioners, this right was inserted. I think, My Lord, that interpellations will occasionally serve a very useful purpose. It cannot be said that the time of the President would be wasted a great deal and would be occupied unnecessarily in the collection of information. As a matter of fact, if you refer to the records of the Municipality for the past twenty years, you will find that this power was very rarely exercised and the time of the Corporation was hardly taken up. The answering of interpellations was all over in about five minutes. My Lord, if the District Municipalities and Local Fund Boards are allowed this right, I do not see why the Corporation of the City which has a better status should be denied this privilege.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—Your Excellency,—As the question to which this amendment relates is of some importance, I beg to say a few words in support of it. I shall, in the first place, draw Your Excellency's attention and the attention of this Council to clause 6 of the Bill which vests all the property of the Municipality in the Municipal Corporation. I also beg to draw Your Excellency's attention to clause 451, which says: "Any person aggrieved by the failure of the President or the Corporation to carry out any work or perform any duty, the execution or performance of which is imposed on either of them by this Act, may bring an action against the Corporation". Your Excellency will thus observe that the government of the Municipality is carried on in the name of the Corporation; it is the Corporation that is supposed to administer the Municipality, and it is only for the purpose of convenience that the functions of the Corporation, the Standing Committee and the President have been specified. The Corporation is not, therefore, merely an advisory body attached either to the President or to the Standing Committee, and it seems to me, My Lord, somewhat strange and, if I may be permitted to say so, illogical that a member of the body in whose name the administration is carried on should be refused leave to inform himself of what has been done behind his back of which he might have no knowledge; and the fact that now there has been introduced a very sharp and well-defined distinction between the functions of the President, the Standing Committee and the Corporation, only accentuates the necessity for

such a power as is asked for in this amendment being granted. I wish also to draw Your Excellency's attention to the amendment proposed to clause 79, which amendment will no doubt be carried by this Council. In clause 79 it is stated: "The Corporation may appoint from among their own number committees consisting of such number of persons as they think fit for the purpose of inquiring into and reporting on any matter connected with the purposes of this Act". For the last seven words of this section it is proposed to substitute the following: "which was reserved by this Act for the decision of the Corporation and which is not at the time under the consideration of a sub-committee appointed under section 81". Your Lordship will observe that the Corporation has only certain definite functions, and it is not competent for the Corporation to proceed beyond the functions assigned to it by the Bill when it becomes an Act. Under these circumstances I submit, My Lord, that the necessity has become emphasised as to why this power of interpellation should be granted. There can be but two arguments advanced as to why this should

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not be granted. The one is that it will throw a large amount of work upon the Municipal executive, and the other is the likelihood of the misuse of the power. So far as throwing additional work on the Municipal executive is concerned, it appears to me that that could not by itself settle this question. We find from this Bill that, when it becomes an Act, there will be a large amount of additional work thrown on the executive, but that by itself is no reason why a provision which, if otherwise found useful, should not be adopted. The real question is as to whether there is a likelihood of the misuse of that power. No doubt the Honourable Member in charge of the Bill said at the time when the Bill was referred to the Select Committee that this was likely to lead to a waste of time and to cause friction. Attention has already been drawn to the fact that this power has been exercised by the Municipality down to 1898 when it was discovered that there was no statutory provision to exercise this power. When the matter was reported to Government, they thought that it would be advisable to have some such power and a Bill was actually drafted. To this I particularly draw Your Lordship's attention only for the purpose of showing that whatever materials existed down to 1900 were materials which suggested the desirability and did not prohibit the advisability of interpellation being allowed to Municipal Commissioners. Nothing has transpired subsequent to that which would make the Government change its mind. The analogy of District Municipalities having power to interpellate the President or the Chairman cannot hold good, even supposing for a moment that, as a matter of fact, this power is being abused by the District Municipalities. Attention has been drawn to the fact that the status of the Madras Municipality is very different from that of the mufassal Municipalities. Past experience does not favour the view that it has been abused. If there has been no abuse in the past, there is the greater guarantee that this power is not likely to be abused, in the future with the modifications that we have introduced in the Bill. There are to be introduced into the Council men whose endeavour is to secure the due administration of Municipal affairs and whose endeavour shall be to check misuse of the powers conferred upon them. At any rate the persons who are supposed to be likely to misuse the powers are the Divisional Commissioners and their number has been reduced. There is again another restriction which this Bill contemplates and which will prevent the Commissioners from abusing their powers. Your Excellency will observe that the power to interpellate is to be exercised according to such rules as the Corporation may prescribe with the approval of the Governor in Council. In this connection I may be permitted to say that I also sent in an amendment on the subject, but it could not be allowed as it was received too late. In the amendment that I sent in, I proposed that the President shall not be bound to answer a question put to him provided he thinks that it is not advisable or desirable in the interests of Municipal administration or public interests to answer such a question; but in that case he shall only make a declaration to that effect. I proposed that in any matter on which the Corporation might think that they ought to get some information, they might interpellate; but if the President did not wish to answer it, he might make a declaration that it was not desirable in the interests of the Municipality or the public interests to answer the question, in which case I said that, on the lines of the Bombay Act, a committee might be appointed to go into the question and their decision shall be final. If Your Lordship thinks that there is a possibility of this power being abused, it shall be perfectly competent for the Council to make such rules as will prevent any abuse of power. I, therefore, beg to submit

that the necessity for having that right exercised having been made out and it also having been shown that there is no likelihood of the abuse of that power especially with the revised constitution of the Corporation, the Government can with greater reason accept the amendment.

The Hon'ble Sir GEORGE ARBUTHNOT:—With the Corporation as it is going to be constituted, it may be fairly relied upon to see that there is no abuse of the privilege which will be granted under such rules as may be passed with the approval of the Local Government. I should, therefore, like to support the amendment.

The Hon'ble G. SRINIVASA RAO:—All the grounds that I intended to set forth in support of the amendment have been stated by the previous speakers. If this amendment is not allowed now, it will lead at some future time, when the District Municipalities Act may come up for revision, to the wholesome provision, which is there, being cut out. For that reason, I beg to submit that this amendment ought to be passed.

The Hon'ble Mr. G. S. FORBES:—Your Excellency, I shall accept the amendment.

The amendment was put and agreed to unanimously.

Clause 15, as amended, was allowed to stand part of the Bill.

Clause 16.

The Hon'ble Mr. G. S. FORBES:—It seems desirable that the Standing Committee should have the power to write off the amounts due to the Corporation if necessary. I, therefore, beg to move—

That the following be inserted as sub-clause (d), namely: "write off such sums due to the Corporation as appear to the Standing Committee to be irrecoverable."

The Hon'ble R. N. Prakasa Mudaliyar seconded the amendment.

The amendment was put and agreed to.

Clause 16, as amended, was allowed to stand part of the Bill.

Clauses 17 to 20.

Clauses 17, 18, 19 and 20 were allowed to stand part of the Bill.

Clause 21.

With the permission of His Excellency the President, the Hon'ble R. N. Prakasa Mudaliyar withdrew the amendment of which he had given notice with reference to this clause.

Clause 21 was allowed to stand part of the Bill.

Clause 21-A.

The Hon'ble Mr. G. S. FORBES:—I have a verbal amendment to move at the beginning of clause 21-A. I move—

That after the word "may" in the first line the words "subject to the provisions of section 21" be inserted.

Clause 21 is a provision to enable the President to delegate to the three officers indicated his powers and duties, and clause 21-A is not meant to affect that provision. As some doubt has been raised, I move this amendment to make the intention clear.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—I move to omit in line 12 the citation "section 76". That is a verbal slip. Section 76 says:

"The President of a meeting at which there is a quorum may, with the consent of a majority of the Commissioners present, adjourn the same."

I also move for the omission of the words and figures "section 421, sub-section (5)". I further move that in line 27 after the words and figures "section 283, sub-section (1)" the words and figure "and sub-section (3)" be inserted.

The amendments were put and agreed to.

With the permission of His Excellency the President, the Hon'ble R. N. Prakasa Mudaliyar withdrew his amendment for the omission of clause 21-A.

Clause 21-A, as amended, was allowed to stand part of the Bill.

Clause 22.

With the permission of His Excellency the President, the Hon'ble G. Srinivasa Rao withdrew the amendment of which he had given notice, with reference to this clause.

Clause 22 was allowed to stand part of the Bill.

Clauses 23 to 28.

Clauses 23 to 28, both inclusive, were allowed to stand part of the Bill.

Clause 29.

The Hon'ble Mr. G. S. FORBES:—In clause 29 there is a verbal amendment which I wish to move. Instead of saying "the Commissioners appointed by election shall be elected" I move to substitute the words "the Divisional Commissioners shall be elected".

The amendment was put and agreed to.

Clause 29, as amended, was allowed to stand part of the Bill.

Clause 30.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in sub-clause (1), clause (b), lines 45 and 46, for the words "on buildings and lands" the words "levied under Chapters XII, XIII and XIV" be substituted.

The qualification of a voter depends under this sub-clause upon the taxes he pays on buildings and lands. There are three classes of taxes on buildings and lands—the house-tax proper, the water-tax and the lighting-tax under Chapters 12, 13 and 14. In the old Act the word "house-tax" is used, and it is not clear whether that word is supposed to include the whole tax or only house-tax proper. It is thought however desirable that in counting the taxation for qualification purposes all the taxes levied under these chapters which relate to buildings and lands should be taken into account. The effect of that will also be to enlarge *pro tanto* the electorate.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in sub-clause (2), line 27, after the word and figures "section 43" the words "which conviction has not been annulled" be inserted.

The amendment was put and agreed to.

The Hon'ble G. SRINIVASA RAO:—In sub-clause (a) as well as the proviso, you find the words "other than those leviable under section 148". Turning to clause 148 you will find that it refers to vehicles and animals kept or let out for hire or used within the City. In the Bombay Act you will find this language "other than those leviable on vehicles and animals let out for hire". Therefore, the amendment that I wish to move is—

That in sub-clause (1), clause (a), lines 37 to 39, and in the proviso at the close of sub-clause (1), clause (a), lines 16 and 17, the following words be substituted for the words within brackets, namely:—"other than those leviable on vehicles and animals let out for hire under section 148".

My object in moving the amendment is to increase the electorate. There must be a large number of people in the City of Madras who may not own houses and nevertheless own carriages and pay taxes. Such people cannot come under this clause, if the present clause stands as it is. I, therefore, submit that the amendment I have moved will be a very useful one.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—I second it, My Lord, but only as a question of form. I submit that the present Act which is to be repealed by the Bill does not exclude the taxes which are leviable on animals and vehicles. I find

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that according to section 37 of the Calcutta Act such taxes have not been excluded and it is only in Bombay that certain taxes are excluded. If Your Lordship will refer to section 11, sub-clause (3) of the Bombay Act, you will find therein stated that the qualifying tax means the general tax other than the tax on vehicles and animals either kept for hire or plying for hire. It comes to what my Honourable friend suggests. For fear of the Hon'ble Mr. Krishnan Nayar's amendment lapsing, should this be lost, I second this amendment.

The Hon'ble M. KRISHNAN NAYAR:—In supporting this amendment I should like to say a few words. Your Lordship will find that I have another amendment which is of much wider form than the present one. If the amendment now proposed be carried, it will then be necessary to move the amendment of which I have given notice. In principle we ought not to make any distinction between one kind of tax and another, if the payment of a tax confers a qualification for the purpose of voting. The amendment proposed by the Hon'ble Mr. Srinivasa Rao is to the same effect as mine but with this restriction which he imposes, namely, that those who pay tax on animals and vehicles which they let out on hire should not have the power of voting and that the owners of those animals and vehicles which are kept for their own use should have the power of voting. My amendment being a more extended one I certainly support this amendment, and if this be carried I shall move the other one. If this is lost, my other amendment lapses. With these observations I beg to support the amendment.

The Hon'ble Mr. M. HAMMICK:—This matter was more or less discussed in the Select Committee, and the conclusion we arrived at was that it was advisable to restrict the qualification for a voter to something more substantial than would be the case if such qualification as the Hon'ble Mr. Srinivasa Rao wishes to introduce were allowed. I do not feel myself certain whether the qualification that we have put in is not too high. But I certainly think that we should draw a line very distinctly at the taxes mentioned in this clause and that we should not extend the qualification to the taxes which have no reference, as one might say, to the permanent interest of the man in the welfare of the Municipality. There is a certain logical sense in making the tax qualifying a man to be a voter to be a special tax which makes a man specially interested in the sanitation of the city and in the welfare of the roads, drains and so on; and this line is very well drawn with the taxes mentioned in clause 30. Although I should like to see the qualification somewhat reduced, I think we should be acting ill-advisedly if we extend the taxes in the way suggested by the Honourable Member opposite.

The Hon'ble Mr. G. S. FORBES:—The Hon'ble Mr. Hammick has stated the main reasons which induced the Select Committee to retain the provision that the taxes leviable on vehicles and animals should not be included. The tax on animals and vehicles is, I may point out, very high, and as a four-wheeled vehicle with springs has to pay Rs. 15 half-yearly, we should get a qualification from that alone. Besides, if the amendment to the Bill is not carried, I mean to propose, with reference to the extension of the franchise, a reduction in the qualifying tax from Rs. 25 to Rs. 20. I do not know whether that will satisfy the Honourable Members. If these amendments are not carried, I am prepared to consider a reduction in the tax for such qualification.

His Excellency the PRESIDENT:—The question is whether non-official Members are prepared to accept that bargain, and, if so, it will save discussion on this amendment.

The Hon'ble G. SRINIVASA RAO:—I accept what is suggested as it will mean a reduction in (a), (b) and (c).

The Hon'ble M. KRISHNAN NAYAR:—I do not agree with my friend. No doubt we are much obliged to the Honourable Member in charge of the Bill for reducing the amount of the qualifying tax from Rs. 25 to Rs. 20, as that will necessarily increase the electorate. But the particular objection that has been raised will not be completely met by that. If the Hon'ble Mr. Srinivasa Rao who moved the amendment withdraws it, I will move mine.

The Hon'ble Mr. G. S. FORBES:—Very well, let it be voted upon. It need not be withdrawn.

The Hon'ble G. SRINIVASA RAO:—Then it will be lost. Instead of getting it thrown out, I withdraw it.

With the permission of His Excellency the President, the amendment was withdrawn.

The Hon'ble M. KRISHNAN NAYAR :—I agree with my friend.

His Excellency the PRESIDENT :—Do I understand that the Hon'ble Mr. Krishnan Nayar withdraws the series of his amendments?

The Hon'ble M. KRISHNAN NAYAR :—Not all. There is one clause referring to those who draw a salary of Rs. 50, which I should like to move.

His Excellency the PRESIDENT :—That is the Hon'ble Mr. Prakasa Mudaliyar's amendment.

The Hon'ble M. KRISHNAN NAYAR :—Both the amendments are the same with a slight difference. I have omitted the word "pension". It has been decided after consultation among ourselves that the Hon'ble Mr. Prakasa Mudaliyar should move his amendment. Barring that point, the series of amendments proposed fall to the ground in consequence of the withdrawal of the amendment of the Hon'ble Mr. Srinivasa Rao.

With the permission of His Excellency the President, the Hon'ble M. Krishnan Nayar withdrew the amendments of which he had given notice.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I beg to move—

That the following be inserted as clause (e) of sub-clause (1), namely : "draws a salary or pension of Rs. 50 and upwards in the service of Government or institutional bodies".

I think it is very necessary that our list of voters should be enlarged as much as possible, and in enlarging it our aim ought to be to get in as much as possible of the intelligent classes living in the City. I think it may be taken for granted that all officials either in Government service or in the employ of institutional bodies drawing a salary of Rs. 50 or officers drawing a pension of Rs. 50 may be taken to be intelligent people who are fit to vote and who will use their best discretion in the matter of the selection they have to make. I hope that this proposal of mine will be acceptable to the Council.

The Hon'ble M. KRISHNAN NAYAR :—In seconding this amendment I wish to say one word. The complaint has often been made, and the Honourable Member has referred to it when the Bill was introduced, that among the voters qualified to vote for Municipal Commissioners it is only a very few that come to the poll, and from that an inference is drawn—under the circumstances it may be or may not be a legitimate inference, but there is a possibility of the inference being drawn—that all those who are expected to take interest in elections do not do so. There may be various reasons why those gentlemen who are qualified to vote do not vote. The Honourable Member in charge of the Bill has promised to move an amendment presently reducing the amount of the qualifying tax to Rs. 20. You will find, in Schedule V, for professional tax, there is this provision that "All persons holding any office or appointment, public or private, or employed in any capacity whose monthly salary amounts to Rs. 500 and is less than Rs. 750 shall pay an annual tax of Rs. 20". So that a person who has to pay Rs. 20 in order that he might be entitled to vote at the Municipal election must necessarily be drawing a salary of Rs. 500, if he is not otherwise qualified and if he is not paying other tax such as house-tax which qualifies him for voting. If he possesses only this particular qualification of paying this professional tax or tax on salary, it is only those who draw a salary of Rs. 500 that are entitled to vote. Your Lordship knows that among the Indian people it is only a very few that possess the qualification of drawing a monthly salary of Rs. 500. The necessary effect of not allowing this amendment is that a very large number of those who are really expected to take an interest in the Municipal administration will be excluded from exercising their right of voting, unless they are otherwise qualified. In order to enable those who are capable, by their social position or intelligence, of voting at Municipal elections and exercising their franchise, it is necessary that this provision should be included. With these observations I wish to second the amendment moved by my Honourable friend.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—I wish to say one or two words on this amendment. The object of this amendment is to create a different class of voters from those provided in the Bill. I do not know if the Government will be

pleased to accept it. I should like to know if the Honourable Member will not be prepared to lay down a larger qualification. What we want is the recognition of the principle. If the Government thinks that Rs. 50 a month is too little and it should be Rs. 100, I do not know if my Honourable friend will object.

The Hon'ble Sir GEORGE ARBUTHNOT :—May I ask what is the definition of "institutional bodies"? By institutional bodies which we find mentioned in the Bill, I do not know if my Honourable friend means mercantile firms. I do not suppose that the institutional bodies we have referred to in the Bill do employ a large number of people.

His Excellency the PRESIDENT :—I was intending to ask the Honourable Member that question myself. But I shall now do so in behalf of Sir George Arbuthnot.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I have no objection to include mercantile firms under the term "institutional bodies". There was a doubt created in my mind as to what the import of mercantile firms would be. Would that term refer only to trades or would it also include any other association of native firms which do not send a member either to the Trades Association or to the Chamber of Commerce? That is my only doubt. Probably mercantile firms and trades associations might be allowed.

The Hon'ble Mr. G. S. FORBES :—I regret not to be able to accept the amendment either in form or in principle. The term "institutional bodies" has no legal meaning whatever. If this amendment should be passed, it practically means that any clerk of Government or in a merchant's office will be qualified to vote. The whole qualification would be that he must be a clerk drawing Rs. 50 or more. The whole object of the amendment is to let in the class of clerks who earn their livelihood in offices. On principle I object to this. The amendment traverses the principle upon which so many Honourable Members have put stress that the rate-payers are the persons to determine who should be the Commissioners. Clerks on Rs. 50, 80 or 90 are persons who need have no interest in the town. So far as the amendment is concerned, they need not live in Madras. Simply because they are clerks on Rs. 80 or 90, that is no reason why they should be entitled to vote.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—There is a residential qualification.

The Hon'ble Mr. G. S. FORBES :—That qualification occurs only under sub-clause (a). Even supposing that the amendment was restricted to sub-clause (a) imposing the residential condition, it is not right that, simply because a man earns a salary in the city, he should, on that account, be qualified to vote, when he does not possess that small interest in its welfare, which is proved by the payment of Rs. 20 by way of rates and taxes. Besides it is out of all proportion to the qualification required of a rate-payer. I do not admit that he is better qualified than a man who is resident in the town and who pays rates. Even the Hon'ble Mr. Govindaraghava Aiyar's proposal will make the qualification depend upon the salary, and it would not be a qualification based on interest in the town as testified by paying rates.

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The amendment was put and lost, five voting for and eleven against it.

The Hon'ble Mr. G. S. FORBES :—With Your Excellency's permission I should like to move—

That in clause 30, sub-clause (1), clauses (a), (b) and (c) and the proviso, for the words "twenty-five rupees" the words "twenty rupees" be substituted.

That will increase the electorate to a considerable extent. Even with Rs. 25 the electorate is 6,000, of whom only a very small number show any interest in the elections. So far as the percentage of the main population is concerned, the electorate forms doubtless a small percentage; but I confess I do not see any very great urgency for increasing the electorate, since they have shown so little interest in the Municipal administration of the town by coming forward at the elections. The electorate will now however be increased in two ways. The inclusion among the qualifying taxes of all taxes on buildings and lands will considerably increase the electorate, and the amendment which I now propose for reducing the electoral qualification itself from Rs. 25 to Rs. 20 will increase the electorate still farther.

The Hon'ble C. Sankaran Nayar seconded the amendment.

The amendment was put and agreed to.

• Clause 30, as amended, was allowed to stand part of the Bill.

Clause 31.

The Hon'ble M. KRISHNAN NAYAR :—My Lord, I wish to move the amendment standing against my name in the agenda paper. That amendment is—

That sub-clause (4) shall be recast as follows, namely: "is resident in the City or within two miles of the limits thereof, and holds any office or appointment, public or private, carrying a salary of Rs. 150 or upwards per mensem; or is resident in the City or within two miles of the limits thereof and has either".

The object of this amendment, My Lord, is to increase the number of those who, under the Bill, are qualified to become Commissioners. Under the Bill as it stands, any person who pays taxes of a particular kind to the extent of Rs. 100 is qualified to become a Commissioner, and if a person does not come under any of these categories, or in other words if he does not pay any of the taxes but pays only tax on professions and arts, then he is not, under the Bill, qualified to be a Commissioner. Under Schedule V appended to the Bill, in order that a person may pay a tax of Rs. 100 on arts or professions, he must be drawing a salary of not less than Rs. 2,000 per mensem. Under the Bill as it stands, even if a person does not pay house-tax but pays a profession-tax of Rs. 100 or more, he is certainly qualified to be a Commissioner. That is, if he does not pay house-tax of any kind but draws a salary of not less than Rs. 2,000 per mensem, then he is qualified to be a Commissioner. My Lord, I cannot at this moment call to my mind any native gentleman who draws a salary of not less than Rs. 2,000 except the Judges of the High Court. It may be said that persons who may not draw Rs. 2,000 per mensem but draw a decent monthly salary will be likely to be otherwise qualified by coming under other categories by paying house-tax; but it is quite possible that there may be persons who draw less than Rs. 2,000 and yet may not pay house-tax and may not, therefore, be qualified to become Commissioners under the Bill as it stands. The object of this amendment is to enable those who draw a decent salary even though they are not otherwise qualified to become Commissioners to become Commissioners. I have fixed the monthly salary at Rs. 150. Among the Indian section of the people, persons who draw a salary of Rs. 150 and upwards occupy a very decent position in life and by their intelligence and capacity would be duly qualified to be Commissioners, and they will be persons who will be able to take an intelligent and useful part in the administration of Municipal affairs. I have stated the figure to be Rs. 150, but if the principle of the amendment is accepted by the Honourable Member in charge of the Bill, I have no objection to raise the amount to any sum which he may be prepared to accept. With these observations I beg to move this amendment.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—I beg to second the amendment. The only point that I have to bring to Your Lordship's notice is that this condition of insisting upon a higher qualification for the Commissioner than for a voter seems to be peculiar to Madras. We do not find any such provision in the Calcutta or the Bombay Act. It must certainly be that a person who gets a salary of Rs. 150 or upwards or such limit as the Government may be pleased to fix must be a person paying a tax of Rs. 20. I therefore submit that this amendment will be worthy of consideration.

The Hon'ble Mr. G. S. FORBES :—I am unable to accept the amendment. The present qualification laid down in the Bill is that which exists in the present Act. No difficulty has been found, so far as I know, in obtaining the services of qualified and suitable Commissioners. This question has never been mentioned till now. The Hon'ble Mr. Govindaraghava Aiyar was himself on the Select Committee, and I don't think he made any reference to it there. I find that the Hon'ble Mr. Prakasa Mudaliyar who represents the Municipality has not put in an amendment with reference to this section. So far as the principle goes—that the qualification should be by salary—for the reasons I have already stated I cannot accept it. I must oppose the amendment.

The amendment was put and lost.

The Hon'ble M. KRISHNAN NAYAR :—The amendment that I next move is a verbal one and it is that in sub-clause (4), clause (b), the word "sole" be omitted.

Clause (b), sub-clause (4), of clause 31 says: "No person shall be qualified for election as a Commissioner unless he has . . . (b) been, for six months preceding the aforesaid year, the sole occupier, as owner, tenant or mortgagee in possession, of a house of an annual value of not less than twelve hundred rupees as determined under

section 128." What the framers of this clause meant was that if in a house paying an annual rent of Rs. 1,200, there should be more than one tenant and that two or three persons occupy the house paying the rent in proportion, then such persons as occupy the house are not severally entitled to become Commissioners. According to the clause as it stands, in order that a person may be qualified to be a Commissioner, he must occupy a whole house paying an annual rent of Rs. 1,200. But I don't think there can be any harm in omitting the word "sole".

The Hon'ble Mr. G. S. FORBES :—My Lord, I am prepared to accept that amendment.

His Excellency the PRESIDENT :—I presume that the first portion of the amendment is withdrawn.

The Hon'ble M. KRISHNAN NAYAR :—That lapses. That amendment is for the omission of the words "other than those leviable under section 148" in clause (a).

The amendment was put and agreed to.

With the permission of His Excellency the President, the Hon'ble R. N. Prakasa Mudaliyar withdrew the amendment of which he had given notice with reference to this clause.

Clause 31, as amended, was allowed to stand part of the Bill.*

Clause 32.

With the permission of His Excellency the President, the Hon'ble G. Srinivasa Rao withdrew the amendment of which he had given notice with reference to this clause.

The Hon'ble Mr. G. S. FORBES :—Before Your Excellency puts clause 32, I beg to move—

That in sub-clause (1), clause (b), the word "nomination" be substituted by the word "appointment" and in sub-clause (4) the words "appointment by election or nomination" by the words "appointment or election."

We have used the words "election" and "appointment" for the two modes in which persons are to become Commissioners. I also move that sub-clause 2 (d) be omitted as it is simply a reduplication of sub-clause (1), (b), (iii). This was pointed out by the Advocate-General.

The amendment was put and agreed to.

Clause 32, as amended, was allowed to stand part of the Bill.

Clauses 33 and 34.

Clauses 33 and 34 were allowed to stand part of the Bill.

Clause 35.

* The Hon'ble Mr. G. S. FORBES :—I beg to move that in sub-clause (1), line 9, for the word "eight", the word "twenty" be substituted. As the Municipality is at present constituted, there are eight divisions and these are divided into twenty wards, and we have provided for twenty elected members, one for each ward or as we call it here division. Instead of keeping eight divisions and splitting them into wards, it is proposed to declare by clause 35 that these wards shall be called divisions. Therefore, I move that for the word "eight" the word "twenty" be substituted.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I should like to know from the Honourable Member in charge of the Bill whether Schedule III is to be considered along with this clause or is to be considered separately.

The Hon'ble Mr. G. S. FORBES :—It will be considered in its place. However, power is to be taken to amend the Schedules from time to time.

The Hon'ble R. N. Prakasa Mudaliyar seconded the amendment.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—I beg to move that sub-clause (2) be omitted. Sub-clause (2) says: "The Local Government may, if the Corporation so recommend, create by notification other divisions and may in like manner alter the boundaries of existing divisions as specified in the said Schedule." As power is to be taken to amend the Schedule, sub-clause (2) becomes unnecessary.

The amendment was put and agreed to.

Clause 35, as amended, was allowed to stand part of the Bill.

Clause 36.

The Hon'ble Mr. G. S. FORBES:—I beg to move that sub-clause (2) be omitted. The sub-clause runs as follows: "(2) The Local Government shall by notification prescribe the manner in which the other elected Commissioners shall be distributed among the divisions." By a later clause power has been taken generally to make rules for prescribing the manner of elections.

The amendment was put and agreed to.

Clause 36, as amended, was allowed to stand part of the Bill.

Clause 37.

Clause 37 was allowed to stand part of the Bill.

Clause 38.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in line 35 between the words "shall be" and "elected", the words "deemed to have been" be inserted.

The amendment was put and agreed to.

Clause 38, as amended, was allowed to stand part of the Bill.

Clause 39.

Clause 39 was allowed to stand part of the Bill.

Clause 40.

The Hon'ble Mr. G. S. FORBES:—With reference to this clause I beg to move that for the words "nominate" and "nominated" the words "appoint" and "appointed" be substituted.

The amendment was put and agreed to.

Clause 40, as amended, was allowed to stand part of the Bill.

Clauses 41 to 43.

Clauses 41, 42 and 43 were allowed to stand part of the Bill.

Clause 44.

The Hon'ble Mr. G. S. FORBES:—Under clause 44, in consequence of an amendment just carried altering the qualification of the electors, the President will have to make new election rules. Under the original Bill, as the qualification was not modified, there was no necessity to make new rules. But as the qualifications have now been altered, I move—

That the first two lines of this clause be omitted and in their place the following be substituted, namely: "The President as soon as may be after the publication of the Act under section 40 of the Indian Councils Act, 1861, and hereafter in the first quarter of each year, shall prepare and publish".

He will have to prepare the election rules after the passing of this Bill. There will be an election roll for the first quarter of the next year.

The Hon'ble the ADVOCATE-GENERAL:—I beg to second the amendment. That will ensure that the next election will be under the new franchise.

The Hon'ble C. SANKARAN NAYAR:—There is one suggestion that I should have made earlier, but it did not strike me before. By altering the definition of the word "division" in clause 35—I am now mentioning it with a view to see whether the matter cannot be reconsidered—we have reduced the voters by one-half or one-third. The Council will see that under clause 30 every person of the male sex who resides within the division is entitled to vote subject to certain qualifications. As the section originally stood, the division covered a very large area and every voter was entitled to give a vote for three individuals in that division. Under the present Act the Municipality is divided into eight divisions and each division consists of a number of wards. If one division consisted of three wards, under clause 30, if he resided anywhere within the division, he will be entitled to vote at the election of every one of the three members of that division. By the alteration of the definition of division, we have cut down the qualification of each voter, for he can now only vote at the election of a member for the particular ward that he resides in. That was not our original idea. You have cut down the privileges of voters by one-half. But that was not a matter which the Council considered in accepting the definition. Suppose the division consists of three wards and if a person is qualified to vote, he becomes qualified to vote for three Commissioners. But now you make him qualified to vote for only one. That was not in the mind of the Council when we passed the definition. I am not saying anything as to the propriety of the question. It is a substantial alteration and we must consider it.

The Hon'ble Mr. G. S. FORBES:—The total of the electorate will not be altered. Instead of voting for three, they will have to vote for one.

The Hon'ble C. SANKARAN NAYAR:—Taking the present 1st division, it has got three wards. Under the definition of the term "voter" it means a man who resides anywhere within the division, and he will be entitled to vote at the election of any one of these three members. But by the alteration we have now introduced in the definition of the word "division", we make him entitled to vote only for one. The result of that for all practical purposes is that you have reduced the number of voters.

The Hon'ble Mr. G. S. FORBES:—The number will be the same.

The Hon'ble C. SANKARAN NAYAR:—I beg your pardon. Suppose there are 100 voters in a division. These hundred may vote in all the three wards of which the division consists. Suppose the division has got three members, then these hundred voters may vote for the election of these three Commissioners. Under the new definition they are not entitled to vote in that way. Those who reside within the wards will vote for the Commissioners that represent those wards.

The Hon'ble Mr. G. STOKES:—You reduce their value.

The Hon'ble C. SANKARAN NAYAR:—For practical purposes you reduce the number of voters. Suppose there are 300 voters in a division. They can vote for three members if that division consists of three wards. By splitting the division in the manner proposed, these three hundred cannot vote for each and it is only a hundred that can vote for each.

The Hon'ble Mr. G. S. FORBES:—Yes.

The Hon'ble C. SANKARAN NAYAR:—But that was not what was understood at the time when the Bill was discussed in the Select Committee. Under the guise of the definition, we have introduced a very substantial modification in the electorate. I am not saying anything either for or against the principle involved in it, but I say that, as it effects a very substantial alteration, we will have to consider it. The question is whether we can now consider it with reference to clause 44.

The Hon'ble the ADVOCATE-GENERAL:—I should just like to explain that under the old Act the Government gave three members to some of the divisions, and then any one who was entitled to vote in the division voted for the three members. As a matter of practice, it became the custom of this Municipality that each of the three members had to look after the interests of all these wards. When the Government raised the number of members, it was held to be an excellent arrangement that there should be one member for each ward. If that be so, it is most natural that he should

be elected by a particular ward. Is it not most natural that a member for a particular ward should be elected by the electorate of that ward? I quite agree with the Hon'ble Mr. Sankaran Nayar as to the effect of this amendment. But it is simply doing what has been done in England—that is, substituting a single member's constituency for three members' constituency.

The Hon'ble C. SANKARAN NAYAR :—I simply brought to the notice of the Council the very great alteration brought about by the definition of the word. When we passed it, the Council did not grasp the whole situation.

The Hon'ble the ADVOCATE-GENERAL :—When we decided to have twenty Commissioners one for each ward, it meant that each ward should elect its member.

The Hon'ble Mr. G. S. FORBES :—It was distinctly understood by and implicitly involved in the alteration which the Government introduced by raising the number of Divisional Commissioners from sixteen to twenty that there should be one Commissioner for each ward. According to the doctrine of representation which has so often been alluded to the rate-payers of the ward will elect their own member. The alteration introduced in clause 35 is simply consequential upon that view. The total number of voters remains precisely the same.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES :—I beg to move that in line 44 after the word "amend" the words "and publish" be inserted.

His Excellency the PRESIDENT :—That is a consequential amendment.

The amendment was put and agreed to.

Clause 44, as amended, was put and agreed to.

Clauses 45 to 49.

Clauses 45 to 49, both inclusive, were allowed to stand part of the Bill.

Clause 50.

The Hon'ble Mr. G. S. FORBES :—I beg to move that in line 20 for the word "section" the words and figure "sections 32 and" be substituted. This is only a verbal amendment.

The amendment was put and agreed to.

Clause 50, as amended, was allowed to stand part of the Bill.

Clause 51.

The Hon'ble Mr. G. S. FORBES :—I beg to move that for the word "nominate" the word "appoint" be substituted.

The amendment was put and agreed to.

Clause 51, as amended, was allowed to stand part of the Bill.

Clause 52.

The Hon'ble R. N. PRAKASA MUDALIYAR :—Probably the Honourable Member in charge of the Bill will allow me to move my amendment first as it is a general one, and if it is accepted there is no necessity for him to move his amendment.

The Hon'ble Mr. G. S. FORBES :—I have no objection to the course proposed.

The Hon'ble R. N. PRAKASA MUDALIYAR :—My Lord, it seems to me that the provision contained in clause 52 of the Bill appears to be rather objectionable. In the first place it is stated that the Local Government may by notification remove any Commissioner. It seems to me that the expression "remove any Commissioner" is only a mild form of saying "dismiss". Sub-clause (iii) says: "if he, without an excuse sufficient in the opinion of the Local Government, neglects for more than three consecutive months to be present at the meetings of the Corporation". Then sub-clause (iv) says: "if his continuance in office is in the opinion of the Local Government dangerous to the public peace or order, or likely to bring the municipal administration into contempt". All these provisions seem to me very objectionable. I believe that this clause has been copied as a whole from the District Municipalities Act. The only question that has to be considered is whether the object that is

intended to be gained by the provisions contained in these clauses could not be attained by the existing provision in the present Act. It cannot be denied that the status of the Municipal Commissioners of Madras is quite different from the status of Councillors elected in the districts. The Commissioners of Madras, especially as they will be constituted under the new Bill, will be a superior class of gentlemen of high position, gentlemen of very great respectability and of very high standing in society, and that the very idea that for the work, gratuitous work, that they are to carry out they are to be removed, or in other words to be dismissed by Government for default, is not consistent with one's idea of dignity. Then again there is this provision: that if a Commissioner absents himself from three consecutive meetings, then the Government is competent to remove him, if sufficient excuse is not given. I think there are difficulties in enforcing that provision. Suppose a gentleman on the Commission as newly constituted is absent for three meetings, it is for the President to call upon that gentleman to explain why he was absent and what excuse he has to give; and it will be an unpleasant task for the President to decide whether the excuse given is reasonable or is such as cannot be admitted. Then he will have to state a case to Government. That is placing the President in an invidious position. Not only that, but a provision like this is, I would say, a dangerous one. Under the present law the mere fact of the absence of a Commissioner for three consecutive meetings is

sufficient to make him cease to be Commissioner *ipso facto*. There the law itself

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declares him as such. The Government does not say you are removed because you have been absent. That is a much simpler and more honourable way of dealing with the question. With regard to the last clause I do not know whether a provision like that should be incorporated in the Bill—that a Commissioner can be removed if his continuance in office is in the opinion of the Local Government dangerous to the public peace or order or likely to bring the Municipal administration into contempt. I think the past history of the Madras Municipality must have shown that the Commissioners as they have been constituted and as they have been working for so many years have not given any room for being considered that they are a class of people that are likely to bring the Municipal administration into contempt. Now that the new Corporation is to consist of a very large body of most respectable mercantile and trades gentlemen, I think that to allow a provision like that to stand in the Code is not in keeping with the dignity of the Corporation. My Lord, the whole object of this clause is attained, if the amendment which I have proposed is adopted; and what I have proposed is nothing more than the provision existing in the present Act. Sections 27 and 28 of the present Act point out the various disqualifications that the law lays down for considering Municipal Commissioners to be unfit to continue, and these sections provide that if they are found to be disqualified in any one of the ways mentioned therein they cease to be Commissioners *ipso facto*. In the case of Commissioners who absent themselves from three consecutive meetings, the law says that they cease to be Commissioners; but the Corporation shall have power at the general meeting to decide whether they should be reinstated or not. I think that is a very safe course and has had a very salutary effect upon many of the Commissioners. They knew that absence from three consecutive meetings was a sort of slur and they always tried to be present. If they failed and if the Commissioners thought that there was reasonable ground for their absence, there was not the slightest difficulty in reinstating them. I do not see any necessity for the elaborate provision made in the Bill, and there is no reason why the President should investigate the matter and report the result to Government. I therefore beg to propose that for clause 52, the following sections 27 and 28 of the present Act be substituted as clauses 52 and 52-A, namely :—

"52. No person who has been elected or nominated a Commissioner shall continue to be a Commissioner after he has been sentenced by any Court to imprisonment (being imprisonment not inflicted in default of payment of a fine), whipping or transportation or has been convicted of an offence under section 43 or after he becomes a bankrupt or an insolvent, or after he acquires any interest, otherwise than as a shareholder in a Joint Stock Company, in any contract or work made with, or done for, the Commissioners; nor shall any person continue to be a Commissioner who fails to attend three consecutive general meetings or six consecutive meetings, be they general, special or adjourned.

"52-A. Any Commissioner becoming disqualified under the foregoing section shall, *ipso facto*, cease to be a Commissioner:

"Provided that, where a person has ceased to be a Commissioner by reason of his having been sentenced or convicted as described in the preceding section, or by reason of his having become a bankrupt or insolvent, he shall be restored to office for such portion of the period for which he was elected or nominated as may remain unexpired at the date of such restoration, if and when—

"(a) such sentence or conviction has been annulled on appeal or revision;

"(b) the disqualification caused by such sentence has been removed by an order of the Governor in Council as provided in section 32;

"(c) the person in question becomes a certificated bankrupt or discharged insolvent.

"Provided further that, in the case of a person who has ceased to be a Commissioner in consequence of failure to attend as provided in section 52, the Commissioners may, in their discretion, restore such person to office at the next general meeting held after such person has ceased to be a Commissioner."

The Hon'ble Mr. G. S. FORBES:—I may say that the Government are prepared to accept the amendment. There was no intention to cast any slur on the Commissioners. The provision in the Bill simply followed the provision in the District Municipalities Act.

The amendment was put and agreed to.

His Excellency the PRESIDENT:—There are a few consequential amendments to substitute the word "appointed" for the word "nominated", and I think we shall leave it to the Secretary to carry them out.

With the permission of His Excellency the President, the Hon'ble Mr. G. S. Forbes withdrew the amendment of which he had given notice with reference to clause 52.

Clause 53.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in this clause for the word "nomination" the word "appointment" be substituted.

The amendment was put and agreed to.

Clause 53, as amended, was allowed to stand part of the Bill.

Clause 54.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in lines 10 and 11 for the words "nominated as the case may be" the following words be substituted, namely: "appointed in the same manner in which the Commissioner whose death, removal or resignation caused the vacancy was originally elected or appointed". It is merely to express explicitly what is not clearly stated.

The amendment was put and agreed to.

Clause 54, as amended, was allowed to stand part of the Bill.

Clause 55.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in sub-clause (1), line 15, after the word "Corporation" the words "subject to the control of the Local Government" be inserted.

The object of this amendment is to make the appointment of Municipal establishments uniform and to enable the Government to carry out their control over the budget. In the second sub-clause it is stated: "The said officers and servants shall receive out of the Municipal fund such salaries and allowances as the Corporation may fix *subject to such modifications as the Local Government may direct*." So far as that goes the Local Government may modify the salaries and allowances of officers, but it has not been left to them to control the number of subordinate officers and servants, and this difficulty tends to render ineffective the budget sections of the Act. Sub-clause (2) of clause 93

empowers the Local Government to "pass such orders on the budget as they think fit and reject or modify all or any of the items entered therein, or add any item thereto. Provided that no such modification, rejection or addition is inconsistent with the provisions of this Act or involves the raising of a loan." Without those words which I propose to insert in clause 55, it might be interpreted that the Local Government could not alter, in the budget, the number of the establishment, because, clause 55 remaining as it is, it would be inconsistent with the Act. There seems nothing inconsistent in allowing the Local Government to determine the number when they have the power to determine the salaries and allowances.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in sub-clause (2), proviso, line 24, for the words "five hundred" the words "one thousand" be substituted.

Sub-clause (2) says: "the said officers and servants shall receive out of the Municipal fund such salaries and allowances as the Corporation may fix *subject to such modifications as the Local Government may direct*. Provided that the salary payable to any person appointed under this section shall not exceed five hundred rupees per mensem." It is proposed to raise the limit to Rs. 1,000. Salaries have very much increased since the present Act was passed in 1884, and it does not seem desirable to restrict the Corporation to give a salary only up to Rs. 500. This amendment empowers the Corporation to give salaries up to Rs. 1,000.

The Hon'ble the Advocate-General seconded the amendment.

The Hon'ble R. N. PRAKASA MUDALIYAR:—I think this is rather a dangerous provision. It should be remembered that this relates not to the principal or the directing officers of the Municipality—not to the President, the Engineer, the Revenue officer or the Health officer—but it has reference only to the subordinate officials. It must be remembered that under the Municipal Act of 1884 the Corporation was authorised to give a salary only up to Rs. 400 and that continued for a series of years till about a couple of years ago, when it was thought that the Assistant Engineer who had put in a very long and meritorious service was deserving of an increase. The thing was pointed out to Government, and in accepting that the services of the Assistant Engineer ought to be recognised, they thought that the increase could not be given till the Act was modified. The Government accordingly introduced an amending Act which raised from Rs. 400 to 500 the salary limit which the Commissioners could give. A maximum salary of Rs. 500 for the minor subordinates of the Municipality is more than ample for the purposes of Municipal administration, because they are only subordinate officers to carry out the orders of and execute works under the direction of the four principal officers of the Municipality. In the case of these subordinate officers, to raise the salary from Rs. 500—I should say Rs. 400—to Rs. 1,000 is rather enormous. No doubt the raising of the salaries of officers is a dignifying thing, but the resources of the Municipality which are very limited must be taken into consideration. Our income is very small, and I hope that the new accession of commercial interests will bring in suggestions that will go to improve the revenue of the Municipality. Considering what the Madras Municipal revenue is, the fixing of salaries at the maximum of Rs. 1,000 is very dangerous and is not consistent with the resources of the Madras Municipality.

The Hon'ble Mr. G. S. FORBES:—Despite what the Hon'ble Mr. Prakasa Mudaliyar has said, I may say that this is only an enabling clause. It is not at all likely, as the Honourable Member knows from his own experience, that the Government will sanction enormous salaries, recommended by the Corporation, unless the resources of the Municipality are sufficient. A great many large schemes have to be carried out, and it will be necessary to employ Assistant Engineers and persons of that stamp, and my opinion is that power must be taken to give them suitable salaries—say Rs. 700 or Rs. 800 for an Assistant Engineer to carry out the drainage works.

The Hon'ble R. N. PRAKASA MUDALIYAR:—That will be a temporary one.

The Hon'ble Mr. G. S. FORBES:—Yes, but without this clause it would not be possible for the Corporation to give that salary.

The Hon'ble R. N. PRAKASA MUDALIYAR:—That would be included in the estimate.

The Hon'ble Mr. G. S. FORBES:—I was once of that opinion, but I am told that it is not so. In order to provide for such cases, after consultation with the President of the Municipality, this limit has been fixed. This is only an enabling clause, and I think the Municipality may trust the Government not to give undue effect to it.

The Hon'ble the ADVOCATE-GENERAL:—It was pointed out that very serious consequences might happen in arresting the work of the Municipality, if this power was not given.

The amendment was put and agreed to.

Clause 55, as amended, was allowed to stand part of the Bill.

Clause 56.

The Hon'ble M. KRISHNAN NAYAR:—Clause 56 says: "Any municipal servant in receipt of a salary of not less than fifty rupees per mensem may appeal to the Standing Committee against an order of dismissal by the President." I wish to substitute the word "ten" for the word "fifty". If the amendment be accepted, it will come to this: that all these employes who are drawing salaries of Rs. 10 and less can be dismissed by the President without the right of appeal being conceded to them. It is desirable that the executive head of the Madras Municipality should have ample powers to deal with peons and other petty officers. Those who draw a salary of more than Rs. 10 are likely to be clerks and persons of greater importance than peons, and I think it is necessary that if these persons are dismissed they must be given the right of appeal to the Standing Committee. As the section stands, a person drawing a salary of Rs. 50, though he may be an important clerk, has no right of appeal against the order of the President.

The amendment fell through for want of a seconder.

Clause 56 was allowed to stand part of the Bill.

Clauses 57 to 60.

1-20 P.M.

Clauses 57 to 60, both inclusive, were allowed to stand part of the Bill.

Clause 61.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in line 17 for the word "section" the words and figure "sections 8 and" be substituted. This is to make provision for the grant of pension and leave allowances.

The amendment was put and agreed to.

Clause 61, as amended, was allowed to stand part of the Bill.

Clause 62.

Clause 62 was allowed to stand part of the Bill.

Clause 63.

With the permission of His Excellency the President, the Hon'ble Mr. G. S. Forbes withdrew his amendment for the omission of clause (b) of sub-clause (2) and for the renumbering of the remaining clauses.

Clause 63 was allowed to stand part of the Bill.

Clauses 64 to 77.

Clauses 64 to 77, both inclusive, were allowed to stand part of the Bill.

Clause 78.

The Hon'ble Mr. G. S. FORBES:—I beg to move that this clause be omitted. Further on in the Bill provision is made for making rules.

The amendment was put and agreed to.

Clause 79.

The Hon'ble Mr. G. S. FORBES:—Clause 79 provides for the appointment by the Corporation of sub-committees. As the clause stands it says: "(1) The Corporation may appoint from among their own number committees consisting of such number of persons as they think fit for the purpose of inquiring into and reporting on any matter connected with the purposes of this Act." I propose to restrict the operation of this clause as is done in other Presidency towns by substituting for the last seven words in sub-clause (1), the following namely:

"which is reserved by this Act for the decision of the Corporation and which is not at the time under the consideration of a sub-committee appointed under section 81."

The scheme of this Bill is that the Corporation, the Standing Committee and the President shall have distinct and definite duties and powers, and one of these authorities cannot encroach upon the duties of another unless it is expressly provided for. As a matter of business it would be extremely inconvenient and most undesirable that the Standing Committee should have one sub-committee discussing a certain thing and that the Corporation should appoint a correlative sub-committee to discuss precisely the same thing. This would merely lead to friction, inasmuch as the sub-committee of the Corporation might report in one way and the sub-committee of the Standing Committee might report in another way, to their respective authorities. A further restriction imposed is that the matter discussed must be a matter which is reserved for the Corporation. It would not do for the Corporation to delegate to a sub-committee the discussion of matters which are not within their competence.

The amendment was put and agreed to.

Clause 79, as amended, was allowed to stand part of the Bill.

Clause 80.

The Hon'ble Mr. G. S. FORBES:—With your Excellency's permission, I should propose that clause 80 should be inserted after clause 82 as that is its proper place. It should be put under the heading of "the Standing Committee" as it refers to the Standing Committee.

The amendment was put and agreed to.

Clause 80 as transferred was allowed to stand part of the Bill.

Clauses 81 to 96.

Clauses 81 to 96, both inclusive, were allowed to stand part of the Bill.

Clauses 97 and 98.

The Hon'ble Mr. G. S. FORBES:—Clause 97 and the succeeding clause relate to the subject of loans. These provisions were more or less dictated to us by the Government of India. The Government of India are the authorities to grant loans, and they indicated the sort of provisions which should be included. As the Bill was originally drafted, these clauses followed their instructions. Subsequently when the matter was carefully examined, it was found that these clauses made no provision for loans, except loans obtained in the public market. There are loans given by the Government of India to the Municipality and there was no provision made for paying them, unless it was intended that they should be paid off by debentures, exactly in the same way as public loans are paid off. But this was unlikely as the Government of India generally make their own terms as to the mode in which a loan offered to the Municipality shall be paid off, and consequently I move—

That in clauses 97 and 98 after the words "debenture" and "debentures" respectively, the words "or otherwise" be inserted.

The amendment was put and agreed to.

Clauses 97 and 98, as amended, were allowed to stand part of the Bill.

Clause 99.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in line 5 for the words "sinking fund" the words "sinking funds" be substituted, and in line 6 after the words "as hereinafter prescribed" the words "and for interest and repayment of any sums borrowed otherwise" be inserted.

This is more or less a verbal amendment, intended to cover the loans from the Government of India to which I have referred.

The Hon'ble the ADVOCATE-GENERAL:—I second the amendment. It is found necessary to have separate sinking funds for each of these loans, so that the clause with regard to the consolidation of loans may be properly worked.

The amendment was put and agreed to.

The Hon'ble R. N. PRAKASA MUDALIYAR:—The amendment that I propose is that in line 7 for the words "ten per cent." the words "seven per cent." be substituted. The reason for my proposing this amendment is that this 10 per cent. has been simply copied from the Calcutta Act.

The Hon'ble Mr. G. S. FORBES:—It is not a copy.

The Hon'ble R. N. PRAKASA MUDALIYAR:—Anyhow it is 10 per cent. in the Calcutta Act.

The Hon'ble Mr. G. S. FORBES:—It may be.

The Hon'ble R. N. PRAKASA MUDALIYAR:—In Calcutta the house-tax itself amounts to 13 per cent. and all the taxes put together come to 22 or 23 per cent. If, out of this, 10 per cent. is put aside for meeting loans, there is ample provision for meeting other purposes. In Madras our house-tax is only 10 per cent., while the total percentage of all the taxes is 16 per cent. If 10 per cent. should be set apart for paying the sinking fund, I think the balance left will be altogether too small. Considering the circumstances of Madras, I think that a provision of 7 per cent. will be more than ample for the purpose. The Commissioners have taken in the first instance a serious objection to making any provision that there should be so much percentage set apart for the purpose, because they thought that the existing rule—that whenever loans were needed, the whole matter was laid before the Government and the Government had the power either to sanction the taking of a particular loan or not—was quite enough. If, however, it was thought proper that there should be a provision in the Act enabling the Corporation to borrow loans and directing them to pay so much percentage out of particular taxes they thought that 7 per cent. was more reasonable than 10.

The Hon'ble M. Krishnan Nayar seconded the amendment.

The Hon'ble the ADVOCATE-GENERAL:—I am not sure that the Honourable Member has really understood the object of this provision. It would not enable the Corporation to borrow anything whatever, because they will have to obtain the consent of the Local Government. This provision is intended to provide security for debenture-holders. It will assure the debenture-holder that the Corporation cannot borrow beyond this margin, and therefore he knows that he has got good security and will be safe in lending money. That is also for the safety of the Corporation and it will be safer still, if, as has been suggested by the Hon'ble Mr. Prakasa Mudaliyar, we can reduce it from 10 to 7 per cent.; but that will not enable the Corporation to carry out the great works necessary for the sanitation of the town. This is merely inserted for the security of the loan.

The Hon'ble Mr. G. S. FORBES:—In addition to what the Hon'ble the Advocate-General has said I may point out that the real reason why a limit was imposed was not only in order to enable the investor to know what security he has; but the 10 per cent. was inserted advisedly with reference to the actual financial state of the Municipality. The total of the several loans which the Municipality has taken is 54 lakhs and the interest they pay is 2.33 lakhs or somewhere about that. At the present moment the drainage scheme and the water-supply scheme are either under construction or are shortly going to be carried out. The drainage scheme will cost on the whole 46 lakhs and the water-supply scheme 15 lakhs. The expenditure on the former has been 17 lakhs and the Municipality has to borrow 29 lakhs, and they have also to borrow 15 lakhs for the water-supply scheme. The total amount of borrowing in sight, therefore, is about 45 lakhs and the interest charged on that amount at 5 per cent. is 2.25 lakhs, and that added to the present interest brings the amount to about 5 lakhs. Ten per cent. of the present estimate on buildings and lands, which, at present, are very much undervalued, will bring the borrowing powers up to 5.70 lakhs, so that if we consider the actual finances of the Municipality, the limit of 10 per cent. is by no means high and it leaves very little

margin. Therefore, this limit was introduced advisedly and not merely copied from the Calcutta Act, firstly having regard to the security of the investor and secondly having regard to the position of the Municipality.

The Hon'ble Sir GEORGE ARBUTHNOT:—It was stated that the interest amounted to 2.33 lakhs. I suppose that includes the sinking fund.

The Hon'ble Mr. G. S. FORBES:—Yes.

The Hon'ble R. N. PRAKASA MUDALIYAR:—If no other person has anything to say, I wish to say a few words in reply. The argument adduced by the Hon'ble the Advocate-General for saying that the debenture-holders want a sort of security, and that unless we have 10 per cent. there will be no security.

The Hon'ble the ADVOCATE-GENERAL (*interrupting*):—I did not say that. I said that 7 per cent. was better.

The Hon'ble R. N. PRAKASA MUDALIYAR:—With regard to the remarks that fell from the Honourable Member in charge of the Bill, in calculating the amount that would be required for the completion of the drainage and water-supply schemes, I may point out that it has already been decided upon by Government that the water-supply scheme ought to be taken in hand only after the completion of the drainage scheme. We do not want all that amount to be borrowed at present, and by the time we complete the drainage scheme a good portion of our debt will have been cleared and 7 per cent. is more than ample for meeting the loan which will be required to be raised.

The amendment was put and lost.

Clause 99, as amended, was allowed to stand part of the Bill.

Clause 100.

Clause 100 was allowed to stand part of the Bill.

Clause 101.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That (i) in sub-clause (1), line 22, for the words "a sinking fund" the words "sinking funds" and for the words "this sinking fund a sum representing one per cent. per annum on the unrepaid balance" in lines 25 and 26, the words "such sinking funds such sum as the Local Government may determine to be sufficient for the repayment within the period fixed for the loan"; (ii) in sub-clause (2), line 30, the word "fund" the word "funds"; (iii) in sub-clause (3), line 47, for the word "fund" the word "funds"; and (iv) in sub-clause (4), line 50, for the word "the" the word "a", be substituted.

The Government of India made a stipulation as to the total time within which the debt ought to be paid and we have inserted that later on. But in this clause we have simply made a provision for maintaining the sinking funds.

The Hon'ble the ADVOCATE-GENERAL:—I beg to second this amendment. As the clause stands here, one per cent. represents the repayment in forty years. The Government of India authorise the repayment in sixty years, so that the amount that will have to be paid will be less than one.

The amendment was put and agreed to.

Clause 101, as amended, was allowed to stand part of the Bill.

Clause 102.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

1.40 P.M.

That in line 2 for the word "the" the word "a" be substituted and the following proviso be added at the end, namely:— "Provided that when any loans or parts thereof have been consolidated under section 104, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan." The amendment practically explains itself. There was no provision for transferring to the consolidated loan the sinking fund of the unpaid portion of an original loan.

The amendment was put and agreed to.

Clause 102, as amended, was allowed to stand part of the Bill.

Clause 103.

Clause 103 was allowed to stand part of the Bill.

Clause 104.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That for sub-clause (4) the following be substituted, namely: “(4) The Corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner prescribed in section 101, having regard to the amount transferred to such sinking fund under section 102.”

As sub-clause (4) stands in the Bill, it says—

“(4) The Corporation shall repay any such consolidated loan by purchasing every year at or below *par* such amount of the stock of such loan as would be sufficient if an equal amount were purchased annually during the pendency of the loan to liquidate the whole nominal amount of the loan within the period prescribed under sub-section (2).”

“Provided that if in any year the whole amount of the stock to be purchased annually under this sub-section is not obtainable at or below *par* the Corporation shall pay the amount not so obtainable into a sinking fund invested in the manner prescribed by sub-section (2) of section 101.”

This sub-clause would, it is understood, give rise to difficulties in the working in so far as the purchase of Corporation stock is concerned. It may rarely occur that the Corporation stock will be below *par*, and there is no provision for altering the amount to be purchased with reference to the price of the stock. The Government would probably have constantly to interfere to alter the conditions of the sinking fund, and it has been thought better to place the repayment on the same lines as repayment under clause 101.

The Hon'ble the ADVOCATE-GENERAL:—I beg to second the amendment. The only object of the original sub-clause was that it would improve the position of the stock by causing it to be purchased and making a better market for debentures. But as that is unworkable it is withdrawn.

The Hon'ble Sir GEORGE ARBUTHNOT:—I don't understand it. Is the Municipality prevented from purchasing loans at *par*?

The Hon'ble Mr. G. S. FORBES:—No. The Corporation stock is above *par*, I think.

The Hon'ble Sir GEORGE ARBUTHNOT:—I only wish to point out that stocks were placed with great difficulty in 1895.

The Hon'ble Mr. G. S. FORBES:—That was 4 per cent. stock.

The Hon'ble the ADVOCATE-GENERAL:—Under the redrafted provision there must be a sinking fund for consolidated loans and that sinking fund under section 101 may be invested in Madras Municipal debentures.

The amendment was put and agreed to.

Clause 104, as amended, was allowed to stand part of the Bill.

Clause 105.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That clause 105 be renumbered as clause 98-A and the following be inserted at the beginning, namely:—“The time for the repayment of any money borrowed under section 97 shall not ordinarily exceed forty-four years and shall in no case exceed sixty years, and”.

The Government of India have laid down instructions that the ordinary limit is forty-four years and that it should not exceed sixty years.

The amendment was put and agreed to.

Clause 105, as amended, was allowed to stand part of the Bill.

Clause 106.

Clause 106 was allowed to stand part of the Bill.

Clause 107.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in the proviso to sub-clause (2), line 38, for the word “pledged” the word “charged” be substituted. This is merely a verbal amendment suggested by the Advocate-General.

The amendment was put and agreed to.

Clause 107, as amended, was allowed to stand part of the Bill.

Clauses 108 to 126.

Clauses 108 to 126, both inclusive, were allowed to stand part of the Bill.

Clause 127.

The Hon'ble G. SRINIVASA RAO:—I beg to move—

That after sub-clause (c) the following be inserted as sub-clause (d) namely:—“(d) Choultries and other buildings used *bona fide* for purposes of charity” and sub-clauses (d), (e) and (f) altered into (e), (f) and (g), respectively.

The reason for this amendment is very simple and clear. A similar provision exists in the Bombay and Calcutta Acts and the Municipal Commissioners have also recommended it. This amendment is intended to help charities by exempting them from taxation.

The Hon'ble Mr. Krishnan Nayar seconded the amendment.

The Hon'ble L. A. GOVINDARAGHA AYYAR:—Your Excellency, I beg to say one or two words in connection with this amendment. I believe that a paper has been put into the hands of every Member in respect of the Bramatirtham charities. That simply shows to what hardships these charities are now put in consequence of their being asked to pay Municipal taxes. In the Bombay and Calcutta Acts there is a provision for exempting from taxation lands and buildings such as are referred to in the amendment. But I find there is some distinction between the two. Whereas the exemption is absolute in the case of Bombay, it is left for the Corporation in the case of Calcutta as to which buildings shall be exempted from taxation and which not. If the principle of this amendment finds favour with Government, I do not believe that the Honourable Member who has proposed the amendment will have any objection to so change the amendment as to make it similar to what is found in the Calcutta Act. While there are other cases of exemption which do not require so much sympathy as the present one, I submit there cannot be much difficulty in accepting this amendment. Your Lordship will observe that wharves, jetties, etc., are exempted, though they levy a tax which goes to the Local funds. In the present case, these lands are used by charities and they do not yield any income. Under these circumstances I submit that it is particularly hard that they should be made to pay any dues.

The Hon'ble Mr. G. S. FORBES:—The great difficulty in reference to this amendment is the indefinite character of the proposed exemption, namely, “choultries and other buildings used *bona fide* for purposes of charity”. There are all sorts of charities. Buildings and lands might be alienated for charitable purposes which require Municipal administration or Municipal supervision. Is it intended that they should pay no rates? There are no doubt certain classes of charities which are deserving of consideration, but the difficulty is to draw any real distinction between public charity and private charity—a charity which ought to be supported by some community which alone it benefits. The very paper which has been presented to the Council and put on the table and to which the Honourable Member has just referred is, I should have said, an instance in which no relief ought to be given. This paper says: “The charity consists in providing, free of rent, place for the performance of post-funeral obsequies by Brahmans residing in Black Town, Peddunaikspet, Rāya puram, Washermanpet, Tondiarpet and other suburbs of Madras. The ceremonies extend to thirteen days from the date of death. The premises also provide residential quarters free of rent to poor widows who, unless they have houses of their own, are

put to much difficulty as they are not permitted, for three months after the death of their husbands, to re-enter the rented houses in which they previously resided, such re-entry being objected to by the other tenants on religious grounds. The funeral obsequies above mentioned are such as cannot be performed in dwelling houses among Hindus. They are required to be done in the vicinity of a tank under the shade of the sacred *Aswathu* tree (*Ficus Religiosa*). More than a century ago the Brahman community of North Madras acquired by gift and purchase a piece of ground measuring 3 cawnies and 796 square feet in Mannarswamikoil street, Ráyapuram, covered by the Collector's certificate No. 1207, dated 1st February 1892, which was for a long time used by the Brahman community both as a burning and burial ground and as a place for the performance of funeral obsequies. Later, cremation and burial were prohibited by the Municipality in the above place. And the place has since been used for performing funeral obsequies and also as a place for votive installations known as *Nagapratishtha* which are objects of general worship. Why should the general tax-payer pay for enabling the Brahmans to perform their funeral obsequies?

The Hon'ble L. A. GOVINDARASHAYA AIYAR:—This is no doubt for Brahmans, but there are other places intended for other communities.

The Hon'ble Mr. G. S. FORBES:—I think every community ought to provide for themselves. A Brahman widow is not allowed to go to her own house and therefore some charity has provided a place for her to stop in, in order to prevent her from polluting the common dwelling house. It provides a great convenience for the household to which she belongs, but for that reason it is a class of case which the Municipality ought not to favour at the expense of the general tax-payer. I should not object so much to the amendment if it were possible clearly to make it applicable to real public charities. At any rate I should not be disposed to favour any amendment unless it provided that the choultry or charity is one that is recommended for exemption by the Corporation and that exemption is given strictly under Government control. It must be remembered that in the present Act there is no such exemption. If this amendment is not accepted, it will simply leave things as they are.

The Hon'ble G. SRINIVASA RAO:—Suppose I am willing to add the word "public" before the word "charity".

The Hon'ble Mr. G. S. FORBES:—What does public charity mean? All charities are public in a way. If you say "for purposes of public charity recommended by the Corporation and approved by Government" I should have less objection.

The Hon'ble R. N. PRAKASA MUDALIYAR:—The suggestion made by the Honourable Member in charge of the Bill is right.

The Hon'ble Mr. G. S. FORBES:—What is the present practice?

The Hon'ble R. N. PRAKASA MUDALIYAR:—They are not exempted.

The Hon'ble Mr. M. HAMMICK:—I don't see why, in passing this new Act, we should start with a fresh concession. It has never been brought up before, and though I served as Secretary to Government in the Municipal Department for a considerable period I don't remember any complaint having ever been made as to choultries and charities not being exempted. I strongly object to blindly giving away a large portion of Municipal income on the ground that we had a petition which, as the Honourable Member in charge of the Bill said, refers to a charity to which I must strongly object to the Municipality making a concession. This is about the worst example that you can bring forward. This is a purely sectarian charity, and if you are going to admit that for exemption, you will have to admit a hundred others and the result will be that you will lose a very large portion of the revenue.

His Excellency the PRESIDENT:—Have any other Indian Colleagues any views on the subject?

The Hon'ble K. VASUDEVA AIYANGAR:—It may be appropriate to exempt these charities from taxation. I should include even private charities.

The Hon'ble Mr. G. S. FORBES:—The matter was discussed in the Select Committee. The Bill as sent up simply followed the present Act.

2 P.M.

The Hon'ble G. SRINIVASA RAO:—I have no objection to add the words suggested by the Hon'ble Mr. Forbes.

The Hon'ble Mr. G. S. FORBES:—I should suggest for the consideration of the Honourable Member that his amendment might run thus: "Choultries and other buildings used *bona fide* for purposes of public charity on the recommendation of the Corporation and subject to the approval of the Local Government".

His Excellency the PRESIDENT:—I should suggest that such exemption should be recommended by the Standing Committee.

The Hon'ble Mr. G. S. FORBES:—Yes. Then the amendment will run thus: "Choultries and other buildings used *bona fide* for purposes of public charity, if such exemption is recommended by the Standing Committee and approved by the Local Government".

The Hon'ble G. SRINIVASA RAO:—You won't include lands. That is the wording of the Calcutta Act.

The Hon'ble Mr. G. S. FORBES:—No.

The Hon'ble G. SRINIVASA RAO:—I accept the amendment as modified by the Honourable Member in charge of the Bill.

His Excellency the PRESIDENT:—As there is a considerable diversity of opinion and as there is some doubt as to the effect of the amendment, the Government propose to make it an open question.

The amendment was put and lost, eight voting for and ten against it.

2-5 P.M.

His Excellency the PRESIDENT:—The Council will now adjourn till 10 minutes to 3.

The Council reassembled at 3 P.M.

The Hon'ble R. N. PRAKASA MUDALIYAR:—My Lord, my proposal is that the exemption herein given for hospitals be removed. I therefore propose that the

3 P.M.

word "hospitals" be omitted in sub-clause (d). The reason for doing that is the same as the one that applies to charities and public chattrams. The Municipality derives a large income from the taxation imposed on buildings connected with hospitals and schools. They get Rs. 20,500 from Government and from private hospitals and school buildings they get something like Rs. 12,960. If there was any reason why choultries and chattrams which are looked upon as charities should not be exempted, I see no reason why hospitals should be exempted. I say, therefore, that hospitals should not be exempted because Municipal revenue will considerably fall. Already by the various changes introduced in the new Bill the Municipality will lose a very large sum of money.

The Hon'ble Mr. G. S. FORBES:—How?

The Hon'ble R. N. PRAKASA MUDALIYAR:—In the shape of tax on timber they were collecting from Government Rs. 4,000 and odd. and the Government was also giving compensation on account of liquor licenses which amounted to Rs. 13,600. All that now goes away. I say that for the reasons for which we have not exempted the chattrams, we should not exempt the hospitals.

His Excellency the PRESIDENT:—It appears that there is no seconder to this amendment, and therefore it lapses. The Hon'ble Mr. Krishnan Nayar's amendment has already been disposed of.

Clause 127 was allowed to stand part of the Bill.

Clauses 128 to 142.

Clauses 128 to 142, both inclusive, were allowed to stand part of the Bill.

Clause 143.

The Hon'ble Mr. G. S. FORBES:—I beg to move a very slight amendment, namely, that in the second proviso to sub-clause (1), lines 6 and 7, for the words "any ward or part of a ward" the words "any local area in the city" be substituted.

The amendment was put and agreed to.

The Hon'ble R. N. PRAKASA MUDALIYAR:—My Lord, there are two amendments standing in my name. I propose to move the second amendment in the first instance as the first will depend upon the second.

The Hon'ble Mr. G. S. FORBES:—It is very desirable to understand why the Honourable Member wants to do this. I thought that the better order would be the other way.

The Hon'ble R. N. PRAKASA MUDALIYAR:—What I want to propose is that there be no drainage tax, and if that is rejected my first amendment will lapse. My second amendment is that in sub-clause (1) for the words "six and-a-half per cent." the words "four per cent." be substituted.

In the Municipal Bill of 1903, under section 143, provision is made for the levy of water and drainage tax not exceeding $6\frac{1}{2}$ per cent. on the annual value of buildings and lands as against 4 per cent. in the amended Act I of 1884, section 138. In the Statement of Objects and Reasons, it is stated that "the rates of taxation have been raised by two and-a-half per cent. with the object of providing additional funds for drainage".

The maximum taxes on houses and buildings under the Bill would be $18\frac{1}{2}$ per cent. as against 16 per cent. under the existing Act. Going into the history of taxes on houses and buildings in the City, it is observed that, under Act IX of 1865 (the first Act of the Madras Government to guide the Municipal affairs of the City of Madras), we find only 10 per cent. was the maximum to be levied, and in the next Act, viz., IX of 1867, the same thing had continued. But when Act V of 1878 came into operation, a water-tax not exceeding 4 per cent. and a lighting tax not exceeding 2 per cent. were added to the 10 per cent. building tax. In the beginning of the eighties the Black Town drainage was being pushed on, and the Commissioners were necessitated to borrow money from the open market; and for providing the interest and sinking fund towards the liquidation of the loans and primarily with a view to dispose of the question of night-soil conservancy, the Government suggested to the Commission, consisted as it then was of able and business people, the desirability of increasing the house tax by 2 per cent. calling it a scavenging cess. The Commissioners were of opinion that no such increase was desirable, but recommended an increase in the taxation on arts, trades and professions. They considered that any increase of taxes on buildings and lands, which then stood at $15\frac{1}{4}$ per cent. as at present, would work very great hardship both on house-owners and tenants—the majority of them, being very poor—and earnestly deprecated any measure that would tend to increase the sufferings of the people. But the Government at first was not to be satisfied. In G.O., No. 66, dated 6th August 1881, it asked Mr. A. T. Arundel, who was then the executive head of the Municipal administration, his own opinion on the views expressed by the Commissioners. Mr. Arundel reported his full concurrence with the Commissioners and remarked (mark his words) that "the existing sources of taxation cannot be further drawn upon," and the result was that the increase of 2 per cent. proposed had to be dropped.

Circumstances since then have not changed and the landlord and the tenant of this City to-day are just in the same condition as they were some twenty years ago—if not worse. In this view the Commissioners, while considering the proposal for an increase of $2\frac{1}{2}$ per cent. in taxation in the Bill before us, have submitted their opinion to Government in the following words: They "consider that the burden of taxation on house property is already excessive and in the name of rate-payers would respectfully protest against the levy of the additional taxation imposed by section 143". Who then, besides the Commissioners, are better exponents to voice forth the condition of the people of the City? Taking the case of house tax in 1896–97, the total number of buildings assessed amounted to 39,326, yielding a revenue of Rs. 7,85,714. Of these 4,155 buildings paying an assessment of Rs. 30 and upwards yielded Rs. 4,55,634. That is to say, of the total number of nearly 40,000 houses only 4,000 yielded more than half the revenue. The remaining 36,000 house-owners are, as a matter of fact, poor. Any increase in the burden of taxation would of course not be felt by the 4,000 rich owners, but it is sure to work havoc on the remaining poor 36,000. If we go round and inspect the houses in the City, we are sure to observe that in 90 cases out of 100 they are dilapidated and the owners unable to put them in sanitary condition. Every day the President of the Municipality is serving notices by hundreds on these poor house-owners to attend

to petty repairs to secure better sanitation. The result in many cases has been that they could not carry out the repairs themselves, and the Municipality had to do them under "Advances recoverable". Let us now turn to the relative treatment received by the rate-payer of this town at the hands of the Corporation as compared with the rate-payer of Bombay, the commercial mart of India. In the first place the maximum house-tax at Bombay is 12 per cent., while the rate actually levied is only 8 per cent., calculated on the net value after deducting 10 per cent. for repairs; whereas in Madras the maximum of 10 per cent. is levied on the gross value. In Bombay in regard to rented houses a "drawback" of one-fifth of the assessed value is allowed on the score that portions of houses might be vacant, but no such concession is permissible in regard to Madras. The remission on vacant houses in Bombay is two-thirds of the property tax and the whole of the water and halalkhor taxes; whereas the utmost rebate is only one-half in Madras under the three taxes—building, water and lighting. A rich city like Bombay is given this liberal treatment. Is it not meet, therefore, that from a consideration of the poverty-stricken condition of the masses of the City we should pause before attempting to add to the already heavy burden of the Madras tax-payer? The periodical revision of house-tax contemplated by the Municipal Act has been rendering his condition more and more miserable with the result that the poor tenant is downtrodden and that overcrowding has become inevitable. A permanent increase of $2\frac{1}{2}$ per cent. is sure to bring about disastrous results—not only the people in general will suffer by this heavy burden, but owners of small and ill-ventilated houses, which are legion, will try to fill all possible nooks and corners of their houses to find funds for paying the tax-gatherer, thus rendering the condition of the City extremely bad from a sanitary point of view. Certainly the object necessitating the increase of taxation, viz., to find funds for giving a better drainage to the City, will be frustrated. It would only foster overcrowding everywhere—a no less evil than bad drainage.

That funds are necessary for completing the Madras drainage is no *obiter dictum*. They are absolutely required, but my contention is that instead of enhancing the taxes on buildings and lands, we must find out other sources of income, sources that would not tell on the poor house-owners and tenants of the City. It seems to me that there are only two sources: (a) by enhancing the professional tax and (b) by the curtailment of expenditure on the supervising establishment of the Municipality.

I reserve my remarks on the desirability of increasing the professional tax, as I intend to make them when my amendment on the question is taken up. As regards the curtailment of the expenditure on the supervising establishment, I say that is absolutely necessary. It is false economy to cut down the pay of the low-paid clerks and head clerks and to reduce the staff of peons and attenders. Any amount of cutting down in this direction will not bring about an appreciable reduction in expenditure. A reference to the Budget for 1904–1905 will disclose an array of highly-paid executive officers and their assistants, more than compatible with the poor resources of this Municipality. It is in this direction that the reduction scythe ought to be laid. Madras cannot afford to have the strength of establishment maintained by either Calcutta or Bombay. The latter have fruitful resources at their command and can well afford to be liberal with their officers. Their annual closing balances nevertheless have been lakhs; in Madras the balance has been barely a few thousands. I earnestly entreat Government to devote a little of their thoughtful attention in this direction, and I am certain that a large saving could easily be effected.

That Madras is a poor town there is no denying. The recent floods have more than sufficiently demonstrated this. When many a family was rendered homeless, penniless and destitute of clothing, probably it may be in the recollection of Government that appeals for monetary aid were showered upon it and the Municipal Commissioners. It is also a fact that though four months have now elapsed, many have not as yet restored their dwelling-houses owing to abject poverty. The many fruitless attempts on the part of the people to have a Town Hall of their own is but an expression of the sober truth that the people in general are extremely poor. In a city containing five lakhs of population, only the other day Rs. 50,000 could not be collected to redeem the Town Hall in spite of Your Excellency's munificent contribution of Rs. 10,000. Having these facts before us, I earnestly appeal to you not to overburden the poor rate-payer. Let it not be said that this Council turned a deaf ear to his penury; that it actively contributed to his sufferings. It is against the very principles of this benign Government and the traditions of the noble English nation.

The Hon'ble M. KRISHNAN NAYAR:—My Lord, as an amendment of exactly the same nature stands against my name, I wish to second this amendment. I submit, My Lord, that this amendment is probably one of the most important amendments that have been placed on the agenda paper. Any increase in the house-tax will be hard upon the people of this City and in addition to the hardship it will cause great insanitation. The last Census report reveals the fact that there has been a constant rush of people into Madras from the neighbouring districts of Chingleput and North Arcot, and the same report shows that overcrowding in houses has increased by about 12 per cent. during the last 20 years. Twenty years ago eight persons lived in a place where now nine persons live. The result of enhancing the house-tax will be to increase this overcrowding. Necessarily if the house-tax is increased the house-owner will demand a higher rent from his tenants, and that will lead to a larger number of tenants occupying the same house than at present. The consequence of it will be that persons will be crowded together in ill-ventilated houses and noxious vapours exhaled by some persons will be inhaled by others living in the same house, which will affect injuriously the health of the people. In fact, the Honourable Mover of this amendment has given his reasons at length showing why this amendment should be carried.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—My Lord, I beg to support this amendment. I should think that this is an amendment which is even more important than that with respect to the constitution of the Corporation. But I don't think it necessary to inflict a speech upon the Council, for I am nearly certain that this amendment is going to be lost. The reasons for this amendment have already been given by me in the remarks made when the Bill was referred to the Select Committee and also in my minute of dissent.

The Hon'ble Mr. G. S. FORBES:—My Lord, I hope that the prediction made by the Hon'ble Mr. Govindaraghava Aiyar will come true, because I am quite unable to accept this amendment. This Bill is practically founded upon the necessity of imposing additional taxation upon the rate-payers in order to provide for the necessities of the City. Two or three Bills that were drafted for this purpose were never brought forward and they gradually filtered into the present consolidating Bill. But the origin of all this legislation is the necessity for increasing the power of the Municipality to tax. The increase will not be brought into force unless there is necessity. The grounds for increasing taxation have already been stated. The reasons why other sources of revenue will not provide the necessary funds, were explained more than once in the proceedings of Government in 1898 and all the papers connected therewith are in the set of papers No. 1 on the table. It is really a waste of time to go over the same ground again. Every existing source of income has been scrutinised and it has been shown that it is either impossible to raise enough taxation from these sources or that other sources are not open. The Hon'ble Mr. Prakasa Mudaliyar says that in 1881 Sir

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A. T. Arundel said that it was impossible to raise any further taxation. That was twenty-three years ago. It is quite ridiculous to assume that the City has been standing still and that there has been no advance in prosperity or in sources of wealth. As far as I can see, the Municipality does not seem to have been doing its duty in this matter. At the present moment the incidence of taxation upon the people is Rs. 2-1-0, while in 1897 it was Rs. 2-2-0. Apparently the Commissioners have paid very little attention to developing the resources of the Municipality. We all know that, as a matter of fact, the incidence of taxation in all other Municipalities is going up steadily. The Hon'ble Mr. Krishnan Nayar has drawn a most harrowing picture of the poorer classes of the native population, and his opinion is that any further taxation will lead directly to insanitation. I don't think that this is at all a necessary consequence in any way, because if the special sanitary provisions of this Bill are carefully carried out, insanitation ought to be stopped and overcrowding put an end to. He talks about the rush of people into the City. The reason why people rush here is the high wages which can be obtained here. People who are poor in the outside districts become rich. They do not rush in here to add to the poorer population; but because high wages are obtainable and also work is always available. The Honourable Mover of the amendment admits that additional income is necessary. It is absolutely impossible to expect any additional amount by expanding the Schedule of the profession tax. It is in the nature of an income-tax, and it was with the greatest difficulty that we

obtained the assent of the Government of India to retaining in the present Bill the moderate Schedule which follows the present Act. It is quite impossible therefore to expect any increase from the profession tax. It is unnecessary for me to say anything more, because all the reasons for providing additional taxation are fully stated in the papers before the Council and have been placed before the Municipality more than once. I must, therefore, oppose the amendment.

The amendment was put and lost, six voting for and twelve against it.

His Excellency the PRESIDENT:—The Honourable Member will not move his previous amendment.

The Hon'ble R. N. PRAKASA MUDALIYAR:—That will drop.

His Excellency the PRESIDENT:—The Hon'ble Mr. Krishnan Nayar's amendment also lapses.

Clause 143, as amended, was allowed to stand part of the Bill.

Clauses 144 to 147.

Clauses 144 to 147, both inclusive, were allowed to stand part of the Bill.

Clause 148.

The Hon'ble R. N. PRAKASA MUDALIYAR:—I beg to move—

That at the end of the provisos the following be inserted as sub-clause (4), namely:—“(4) The President may direct that any vehicle paying the tax under sub-section 148 (1) shall bear a number, which shall be registered in the office of the Municipal Commissioners.”

I have submitted this proposal on the suggestion of the President. The President thinks that at present the traffic in bicycles is fast increasing, and it is very often found difficult to check whether the vehicles have actually taken out permits or not. The identification of these bicycles by the inspecting officers is most difficult. In the case of carts, the Bill, as well as the present Act, provides that the President shall direct their bearing a particular number. In the case of bicycles there can be no difficulty at all, because every bicycle bears a number of the maker and in registering the bicycle at the Municipal office that number might be registered. If a bicycle is lost or stolen or has not been registered and if the license has not been taken in respect of it, the inspecting officers of the Municipality will detect at once which bicycle has not taken out the license. Therefore, My Lord, I think that this will be a useful provision in the Bill.

The Hon'ble L. A. Govindaraghava Aiyar seconded the amendment.

The Hon'ble Mr. G. S. FORBES:—I am willing to accept the amendment if it is modified thus:—

That between sub-clause (2) and sub-clause (3) the following be inserted as sub-clause (3):—“The President may direct that any vehicle let out for hire or any motor car, bicycle or tricycle liable to tax under sub-section (2) of this section shall have a number affixed thereto and that such number shall be registered in the Municipal office.”

There is no penalty, but that can be easily put in the Schedule when we come to it. The Honourable Member's amendment does not show on what class of bicycles the number should be fixed or in what circumstances. Does the Honourable Member accept the modification?

The Hon'ble R. N. PRAKASA MUDALIYAR:—I accept it.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—As the seconder of the amendment I also accept the modification.

The Hon'ble Mr. G. S. FORBES:—This would not apply to private broughams or carriages.

The Hon'ble Sir GEORGE ARBUTHNOT:—This is scarcely open to the same objection as the original amendment.

The Hon'ble Mr. G. S. FORBES:—There will be a penalty added in the Schedule.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—The present sub-clause (3) should be renumbered sub-clause (4) and after the word "control" be added the words "as aforesaid".

The amendment was put and agreed to.

Clause 148, as amended, was allowed to stand part of the Bill.

Clauses 149 to 154.

Clauses 149 to 154, both inclusive, were allowed to stand part of the Bill.

Clause 155.

The Hon'ble Mr. G. S. FORBES:—I beg to move that for the words "next ensuing" the word "current" be inserted.

The amendment was put and agreed to.

Clause 155, as amended, was allowed to stand part of the Bill.

Clause 156.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in sub-clause (1), line 4, after the words "register the same" the words "once in each half year" be inserted.

It is implicitly involved in the drafting of the clause. But as some doubt is raised as to when the registration is to be made, the time is here laid down.

The amendment was put and agreed to.

Clause 156, as amended, was allowed to stand part of the Bill.

Clauses 157 to 167.

Clauses 157 to 167, both inclusive, were allowed to stand part of the Bill.

Clause 168.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That before the word and figure "section 417" in line 16 the words and figure "section 384 or" be inserted, and after the words "Indian Penal Code" in line 17, the words "as the case may be".

By the insertion of some new sub-clauses some of the offences will become extortion which ought to be covered by section 384. It is with that object that the amendment is moved.

The amendment was put and agreed to.

Clause 168, as amended, was allowed to stand part of the Bill.

Clauses 169 to 173.

Clauses 169 to 173, both inclusive, were allowed to stand part of the Bill.

Clause 174.

The Hon'ble Mr. G. S. FORBES:—I beg to move with Your Excellency's permission a verbal amendment for the substitution of the words "Magistrate's determination" in the place of the words "adjudication of the appeal", so as to fit in with clause 173.

The amendment was put and agreed to.

Clause 174, as amended, was allowed to stand part of the Bill.

Clauses 175 to 184.

Clauses 175 to 184, both inclusive, were allowed to stand part of the Bill.

Clause 185.

The Hon'ble M. KRISHNAN NAYAR:—My Lord, I move—

That in this clause the following be omitted, namely:—"Or in case of non-payment of any tax imposed by section 127, section 139, section 143, section 144, section 146, section 147 and section 148 within fifteen days from the date of the service of the bill or notice provided by section 176, the person bound to pay such tax and failing to pay the same shall, on conviction before a Magistrate, be liable to a fine not exceeding

twice the amount of the tax found to be due; such fine together with any costs of the prosecution which may be awarded by the magistrate shall be levied in the manner provided by section 449."

My object in moving this amendment is to take away from the Corporation the power of prosecuting persons for non-payment of taxes. No doubt I am aware that in the District Municipalities Act this power of prosecuting persons exists and the power was exercised by the Madras Municipality also, as I understand from the Honourable Member representing the Municipality, sometimes though very rarely. I submit, My Lord, that to me it seems that the prosecution of the people for non-payment of taxes is something that savours of the primitive ages. With reference to Government revenue, it stands on a higher footing than the tax due to the Municipality. Persons are not sent to jail for non-payment of Government revenue. People who owe money to the Municipality should not be put on a higher footing than those people who owe money to Government. So I move that the second and third paragraphs of this clause be omitted.

The Hon'ble R. N. Prakasa Mudaliyar seconded the amendment.

The Hon'ble Mr. G. S. FORBES:—I regret to be unable to accept the amendment.

It is a common provision with regard to all Municipal taxation that when people do not pay their taxes they may in the last resort be taken before a magistrate and fined for non-payment. Our Bill is much less drastic than the Calcutta Act, because in regard to some of the taxes the fine therein provided is three times the tax due. Here we make the fine twice the amount due. The only persons who are prosecuted are those who are obstinate in not paying the taxes or who try to evade payment. This is a common provision, and there is no reason why it should be omitted here.

The amendment was put and lost.

Clause 185 was allowed to stand part of the Bill.

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Clauses 186 and 187.

Clauses 186 and 187 were allowed to stand part of the Bill.

Clause 188.

The Hon'ble Mr. G. S. FORBES:—I beg to move that this clause be omitted. In regard to the provision about the Standing Committee, I added a sub-clause to enable them to write off amounts due. I then said that clause 188 might be omitted. I therefore move this omission.

The amendment was put and agreed to.

Clauses 189 to 215.

Clauses 189 to 215, both inclusive, were allowed to stand part of the Bill.

Clause 216.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in sub-clause (1), line 6, for the words "branch drain" the words "house-drain" be substituted. This is a consequential amendment.

The amendment was put and agreed to.

Clause 216, as amended, was allowed to stand part of the Bill.

The Hon'ble Mr. G. S. FORBES:—I beg to move to insert two new clauses after 216. I propose that after clause 216 the following two clauses be inserted, namely:—

"216-A. When a house-drain belonging to one or more persons has been laid in any private street or passage which is common to more than one building, and the President considers it desirable that any other premises should be drained into such drain, he may by written notice require the owner of such premises to connect his house-drain with such first-mentioned drain; and the owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made.

"Provided that no such connection shall be made except upon such terms as may be prescribed by the Standing Committee and until any payment which may be directed by the Standing Committee has been duly made.

"216-B. (1) If it appears to the President that any group or block of buildings may be drained more economically or advantageously in combination than separately and a public drain of sufficient size already exists or is about to be constructed within 150 feet of any part of such group or block of buildings, the President may, with the approval of the Standing Committee, cause such group or block of buildings to be drained by a combined operation; and the expenses thereby incurred shall be paid by the owners of such buildings, or in the case of land occupied by huts, by the owners of the land, in such proportions as the Standing Committee may think fit.

"(2) Not less than fifteen days before any work under this section is commenced, the President shall give written notice to the owners of all the land or buildings to be drained, of the nature of the proposed work, and an estimate of the expenses about to be incurred in respect thereof, and the proportion payable by each owner."

These two clauses were suggested by Colonel King, the Sanitary Commissioner, after the Select Committee had sent in its report. These clauses sufficiently explain themselves. The object is quite clear—it is to enable house-drains to be drained into one another or into a common drain. Every precaution has been taken to see that the rights of respective owners are duly considered, and any representation that may be made will receive proper consideration.

The Hon'ble the Advocate-General seconded the amendment.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—Will the powers vested in the President under these two clauses be delegated under clause 21-A ?

The Hon'ble Mr. G. S. FORBES :—They will be.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—They are capable of being delegated.

The Hon'ble Mr. G. S. FORBES :—Yes. The reason why they may be properly delegated is because the Standing Committee control their exercise ?

His Excellency the PRESIDENT :—Have you got to go back to enable him to delegate those powers ?

The Hon'ble Mr. G. S. FORBES :—No.

The Hon'ble C. SANKARAN NAYAR :—If it is clause 216-A, it is not delegable.

The Hon'ble Mr. G. S. FORBES :—This is not a part of clause 216.

His Excellency the PRESIDENT :—The Secretary to Government in the Legislative department will renumber the clauses.

The amendment was put and agreed to.

Clauses 217 to 219.

Clauses 217, 218 and 219 were allowed to stand part of the Bill.

Clause 220.

The Hon'ble Mr. G. S. FORBES :—I beg to move—

That in sub-clause (1), lines 43 and 44, after the words "alter any existing latrine in accordance with the" the following words be inserted, namely: "direction contained in such".

This is merely a verbal amendment, the words having slipped out in printing the Bill.

The amendment was put and agreed to.

Clause 220, as amended, was allowed to stand part of the Bill.

Clauses 221 and 222.

Clauses 221 and 222 were allowed to stand part of the Bill.

Clause 223.

The Hon'ble Mr. G. S. FORBES :—I beg to move that in line 18 for the words "branch drains" the words "house-drains" be substituted.

The amendment was put and agreed to.

Clause 223, as amended, was allowed to stand part of the Bill.

Clauses 224 to 244.

Clauses 224 to 244, both inclusive, were allowed to stand part of the Bill.

Clause 245.

The Hon'ble Mr. G. S. FORBES :—I beg to move—

That in sub-clause (a) after the words "over the street" at the end, the words "or to construct any step or drain covering necessary for access to the building or land" be inserted.

I do not know if these words are actually necessary; but a doubt has been raised whether without these words a person could construct a step over a drain to go into his house. Under the common law I think the Municipality could not prevent him from having reasonable access to his house.

The amendment was put and agreed to.

Clause 245, as amended, was allowed to stand part of the Bill.

Clauses 246 to 272.

Clauses 246 to 272, both inclusive, were allowed to stand part of the Bill.

Clause 273.

The Hon'ble Mr. G. S. FORBES :—I beg to move—

That in line 14, after the word and figure "section 262" the word and figure "section 269" be inserted.

This clause relates to certain clauses about masonry construction. One clause which ought to be applied has been omitted, that is clause 269, which provides that if the permission for the construction or reconstruction of any masonry building is not availed of in one year, it should be presumed to have lapsed. The object of my amendment is to apply that provision to wells. The permission to construct a well should lapse if advantage of the permission is not taken within a year.

The amendment was put and agreed to.

Clause 273, as amended, was allowed to stand part of the Bill.

Clauses 274 to 309.

Clauses 274 to 309, both inclusive, were allowed to stand part of the Bill.

Clause 310.

The Hon'ble Mr. G. S. FORBES :—I have a verbal amendment to move in clause 310 and that is—

That in sub-clause (1), line 17, before the word "yard" the words "of any" be inserted.

The clause says: "(1) The owner or occupier of any livery or hack-stable, horse-lines, veterinary infirmary, cart-stand, cattle-shed, or yard in which sheep or goats or cattle are kept for purposes of profit, shall apply to the President for a license."

The amendment was put and agreed to.

Clause 310, as amended, was allowed to stand part of the Bill.

Clause 311.

The Hon'ble Mr. G. S. FORBES :—I beg to move—

That in sub-clause (2), line 52, after the word "repaired" the word "disinfected" be inserted.

I move this amendment at the suggestion of the Sanitary Commissioner, Colonel King. This is simply in the direction of enabling the President to get a cow-shed disinfected in the case of an outbreak of a disease. Nothing spreads disease so widely as milk brought from a polluted or infected cow-shed.

The amendment was put and agreed to.

Clause 311, as amended, was allowed to stand part of the Bill.

Clauses 312 to 322.

Clauses 312 to 322, both inclusive, were allowed to stand part of the Bill.

Clause 323.

With the permission of His Excellency the President, the Hon'ble G. Srinivasa Rao withdrew the amendment of which he had given notice for the omission of sub-clause (5).

Clause 323 was allowed to stand part of the Bill.

Clauses 324 to 329.

Clauses 324 to 329, both inclusive, were allowed to stand part of the Bill.

Clause 330.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in sub-clause (1), the words "or dry or permit to be dried any skin in such a manner as to cause a nuisance" be inserted at the end.

This also is moved at the suggestion of the Sanitary Commissioner, Colonel King. Moreover this provision exists in the present Act.

The amendment was put and agreed to.

Clause 330, as amended, was allowed to stand part of the Bill.

Clauses 5 and 7.

His Excellency the PRESIDENT:—We have still to go back to clauses 5 and 7, and I think that before the afternoon wears on it will be convenient to refer to them.

The Hon'ble Mr. G. S. FORBES:—With reference to the difficulties which the Hon'ble Mr. Sankaran Nayar pointed out about the Madras and South Indian Railway Companies appointing a representative, I propose with Your Excellency's permission to move an amendment which was suggested more or less by the Hon'ble Mr. Sankaran Nayar's written amendment to clause 5. In this connection I may make an explanation—I did not thoroughly understand the nature of the Hon'ble Mr. Sankaran Nayar's amendment when he moved it, and I am not sure that he was not partly responsible for misleading me. The Hon'ble Mr. Sankaran Nayar, with reference to the number of Commissioners to be left remaining after providing for institutional bodies, constantly referred to the power which his amendment would give to Government to make an addition to the number of elected members. When he used the word "elected", I understood that he referred to election by the rate-payers. Not following his arguments, I asked him whether he meant that the whole total number of eight might, if Government pleased, be elected, and the Hon'ble Mr. Sankaran Nayar said "yes". However, it now turns out that there was a misapprehension. I understood that his amendment would have the effect of conferring upon the Government a power which they might exercise to add to the number of the members elected by the rate-payers and therefore I took objection to it. Government have no desire to have this power in their hands. However, it now appears that the election the Honourable Member referred to was election by institutional bodies. I regret that I did not understand him at the time. I think the amendment is in principle a very good one; and if it had been placed before the Select Committee, they would have doubtless adopted the substance of it. There are certain difficulties, as pointed out by the Hon'ble Mr. Sankaran Nayar, with reference to the election of a member by the Railway Companies; and, besides, in course of time as other associations of merchants or tradesmen or other corporate bodies spring up, it may be desirable to select them as bodies who may send a representative to the Corporation. Therefore, with Your Excellency's permission, I would move—

That in sub-clause (2) of clause 5, for heads (c) and (d) there be substituted the following namely: "(c) two by such other associations, corporate bodies or classes of persons as the Local Government may by notification direct".

That would cover the Harbour Trust Board. If the amendment is carried, head (e) will become head (d), and there will be a consequent amendment in line 36. The last four lines would probably be best made into a new sub-clause (3). A consequential amendment will also have to be made in sub-clause (2) of clause 7. The substantial amendment is the one that I have read out.

The Hon'ble C. Sankaran Nayar seconded the amendment.

The Hon'ble Sir GEORGE ARBUTHNOT:—Your Excellency, I must say that in the first place the Honourable Member has misunderstood the Hon'ble Mr. Sankaran

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Nayar's amendment, and in consequence of that I made the remarks which I made yesterday. With regard to the amendment now before us, I wish to point out that the practical result of it will be that there will be absolutely ten Government nominated members and six institutional members. The Government may, in their discretion nominate gentlemen who are members of these institutions, but there is no limitation to that.

The Hon'ble Mr. G. S. FORBES:—The Government have simply to nominate the electorate.

The Hon'ble Sir GEORGE ARBUTHNOT:—They might nominate the University or anybody else when there is no limitation. No doubt the Government will nominate the electorate, but if they nominate the University, they will nominate a member of their own body. In that sense, it does alter materially the Bill as it stands. At the same time it is rather difficult to say if it is not an important alteration in that sense. Under the Bill as brought before us, eight were to be put in as representatives of the commercial element and eight were to be Government members. But, according to the alteration now proposed, there will be six commercial men and eight members nominated by Government and the other two will be doubtful. I am not prepared to raise any serious objection in regard to the commercial community, and we may fairly trust to Government that the selection of the electorate will be judiciously made.

The Hon'ble the ADVOCATE-GENERAL:—As I understand, this amendment is made for drafting purposes and it is not made in any way to indicate a change of policy. There was some difficulty as to how far the railway representation would work, and it was therefore thought desirable to give the Government some larger amount of freedom so as not to tie its hands.

The Hon'ble Sir GEORGE ARBUTHNOT:—But it does alter the position of the Bill. Instead of there being eight absolutely commercial men we will have six, and the remaining two may or may not be commercial men. I am not objecting to this provision, but I simply point out what will be the effect.

His Excellency the PRESIDENT:—The Honourable Member in charge of the Bill has not fully stated the reasons that guided the Government in accepting this amendment. The reasons which influenced the Government were, in the first place, that this amendment gave greater elasticity to the proposed law, and, in the second place, that it would enable us to include such a body as, for instance, an Indian Trades Association or an Indian Chamber of Commerce, if, in future, such a body should be established. As the Bill is drafted at present, it will be impossible to do so, and it is simply to provide elasticity that this alteration in drafting is proposed.

The amendment was put and carried unanimously.

His Excellency the PRESIDENT:—Will you read the consequential amendments? You will have simply to read them and the Council will follow the same.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in sub-clause (2) of clause 5, "(d)" be substituted for "(e)", and that in line 36 in the place of "(c) or (d)" be substituted "or (c)", and that the last four lines be made a new sub-clause (3). I also move that in the place of "this sub-section" be substituted "sub-section (2)". A consequential amendment will have to be made in clause 7, sub-clause (2)—that is, for "(a), (b), (c) and (d) of sub-section (2)" to read "(a), (b) and (c) of sub-section (2) or under sub-section (3)" and for "(e)" "(d)".

These amendments were put and agreed to.

Clauses 5 and 7, as amended, were allowed to stand part of the Bill.

Clauses 331 to 339.

Clauses 331 to 339, both inclusive, were allowed to stand part of the Bill.

Clause 340.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in sub-clause (2), lines 29 and 30, the words "and with the sanction of the Standing Committee" be omitted and also that sub-clause (4) be omitted.

In this clause, I propose to take away the control of the Standing Committee. We have provided that the President should do certain things, and we have also provided an appeal to the Standing Committee. I propose to omit the words I have suggested and then to provide for an appeal against the order of the President to the Standing Committee further on under the appeal clauses. There will be no substantial alteration.

The amendment was put and agreed to.

Clause 340, as amended, was allowed to stand part of the Bill.

Clauses 341 and 342.

Clauses 341 and 342 were allowed to stand part of the Bill.

Clause 343.

The Hon'ble Mr. G. S. FORBES :—I beg to move that—

(i) In sub-clause (a), after the word "market" in line 18, the words "and provide the same with latrines and urinals" be inserted.

(ii) For sub-clause (b), the following be substituted, namely :—

"(b) to roof and pave the whole or any portion of the same, or to pave any portion of the floor with such material as will in the opinion of the President secure imperviousness and ready cleansing."

Most of these amendments are more of a drafting nature than anything else. Sub-clause (b) as drafted is rather of doubtful phraseology, and therefore I put the last part of it into sub-clause (a). Colonel King, the Sanitary Commissioner, pointed out the great desirability of giving the President more distinct powers to require pavements of some portions of the markets to be of impervious material.

The amendments were put and agreed to.

Clause 343, as amended, was allowed to stand part of the Bill.

Clauses 344 to 350.

Clauses 344 to 350, both inclusive, were allowed to stand part of the Bill.

Clause 351.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I beg to move that in sub-clause (1), the words "an Assistant Health Officer" be omitted. There is absolutely no reason for the insertion of these words, especially as it is the intention of Government that there ought to be a Conservancy Superintendent, and the proposal of the President is that the Assistant Health Officer should be transferred as Conservancy Superintendent so that the designation of Assistant Health Officer will have to disappear. The Conservancy Superintendent will not have any duties in connection with the inspection of food stuffs and these will be purely health questions that he will deal with. It is the intention of the Municipality and the Government that the two branches should be quite apart—the health branch and the conservancy branch. The health branch will be under the direct supervision of the Health Officer and the conservancy branch will be under the immediate control of the Assistant Health Officer, who is now called the Conservancy Superintendent, as he will be called or as he is designated in the Government Order. It will be too much for the Conservancy Superintendent to devote himself to such questions as relate to health and sanitation. It is with that view I propose the elimination of the words "an Assistant Health Officer".

The Hon'ble Mr. G. S. FORBES :—Does the Honourable Member mean that if those words were dropped the only persons that could inspect would be the President, a Commissioner, or the Health Officer?

The Hon'ble R. N. PRAKASA MUDALIYAR :—The President can delegate his power of inspection to anybody. If the Conservancy Superintendent is to devote his time for conservancy matters, it will be too much to draw him away to matters concerning health.

The Hon'ble M. Krishnan Nayar seconded the amendment.

The Hon'ble Mr. G. S. FORBES :—I am afraid I cannot accept the amendment. It is altogether impossible for the President or the Health Officer to inspect all perishable food in a huge city like this. I don't understand the objection of the Honourable Member. I am prepared to have instead of "an Assistant Health Officer" the words "any Municipal officer deputed by him".

His Excellency the PRESIDENT :—It will not read well. He cannot give the power to every Commissioner.

The Hon'ble Mr. G. S. FORBES :—"or of any Commissioner".

His Excellency the PRESIDENT :—It will be better if it comes at the end.

The Hon'ble Mr. G. S. FORBES :—I should suggest that if the words "an Assistant Health Officer or" are to be omitted, then the words "or any Municipal officer deputed by the Health Officer" should be inserted after the word "Commissioner".

The amendment as modified was accepted by the Hon'ble R. N. Prakasa Mudaliyar and was when put to the Council agreed to.

The Hon'ble the ADVOCATE-GENERAL :—Under section 21-A, the President will be able to delegate his powers.

Clause 351, as amended, was allowed to stand part of the Bill.

Clauses 352 to 358.

Clauses 352 to 358, both inclusive, were allowed to stand part of the Bill.

Clause 358-A.

The Hon'ble Mr. G. S. FORBES :—I beg to move that after clause 358 the following clause be inserted, namely :—

"358-A. The Corporation when and as required by the Local Government—

"(a) shall construct and maintain hospitals with all proper establishment and appurtenances either within or without the City for the treatment of infectious diseases occurring in the City; and

"(b) shall contribute towards the maintenance of any public hospital in which infectious diseases occurring in the City are treated such proportion of the cost of maintenance as the Local Government may determine".

It is most desirable that the Corporation should be bound to maintain hospitals for infectious diseases, and this clause provides that they shall do so when required by the Local Government. The Local Government may require them either to construct hospitals of their own or to contribute towards existing public hospitals in the town. It seems just and proper that the Municipality should maintain infectious hospitals in certain circumstances. At present nearly the whole of the hospitals are maintained by Government at a cost of three or four lakhs, to which the Corporation contributes the insignificant sum of Rs. 20,000. It is the primary duty of the Municipality to maintain hospitals, whereas the cost of the great bulk of the hospitals is now borne by the general rate-payer.

The Hon'ble the ADVOCATE-GENERAL :—I second the amendment. I would suggest that the new clause should be inserted before instead of after clause 353.

The Hon'ble Sir GEORGE ARBUTHNOT :—I venture to suggest that this seems to be going very much further than desirable. As far as I understand, if plague should break out the Municipality can be saddled with the cost of plague hospitals.

The Hon'ble Mr. G. S. FORBES :—They may be required to do so now under the Plague Act.

The Hon'ble Sir GEORGE ARBUTHNOT :—I hope the Government will not exercise this power injudiciously. I do not know how it strikes the Members, but it strikes me to be a drastic measure. I don't think that at present it is contemplated that the Municipality should be responsible for all the plague hospitals.

The amendment was put and agreed to, and it was decided to insert the clause before clause 358 instead of after it.

Clauses 359 to 364.

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Clauses 359 to 364, both inclusive, were allowed to stand part of the Bill.

The Hon'ble the ADVOCATE-GENERAL:—In clause 361, line 35, you find the words “she shall be treated therein by female agency”. The question is whether the words “if she desires it” should be inserted after “agency”. This makes it imperative that she should be treated by a female agency. I don't want to press it.

His Excellency the PRESIDENT:—We passed that clause. Does any Indian Member attach any importance to it?

The Hon'ble C. SANKARAN NAYAR:—My Lord, I would prefer that it should remain as it is.

Clause 365.

The Hon'ble Mr. G. S. FORBES:—The amendment of which I gave notice is that in line 32, sub-clause (4), after the word and figure “sub-section (1)” the words “or any infected corpse” be inserted. There is, however, some difficulty about inserting those words, nor do I know if it is absolutely necessary to do so as the Penal Code provides for it.

With the permission of His Excellency the President, the amendment was withdrawn.

Clause 365 was allowed to stand part of the Bill.

Clauses 366 and 367.

Clauses 366 and 367 were allowed to stand part of the Bill.

Clause 368.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in sub-clause (1), line 1, after the words “let or sublet” the words “or exhibit to any person for that purpose” be inserted.

The Hon'ble the ADVOCATE-GENERAL:—I beg to second the amendment with the remark that “exhibit” seems scarcely the proper word.

After some discussion as to the appropriate phraseology the Hon'ble C. Sankaran Nayar suggested the words “or allow any person to enter”.

The Hon'ble Mr. G. S. FORBES:—I will accept the wording of the Hon'ble Mr. Sankaran Nayar “or for that purpose allow any person to enter”.

The amendment was put and agreed to.

Clause 368, as amended, was allowed to stand part of the Bill.

Clauses 369 and 370.

Clauses 369 and 370 were allowed to stand part of the Bill.

Clause 371.

The Hon'ble Mr. G. S. FORBES:—I move—

That in sub-clause (1), line 36, after the word “reside” the words “within and have his office” be inserted; and in sub-clause (1), line 42, and sub-clause (2), line 45, for the word “residence” the word “office” be substituted. It has been suggested by the President of the Municipality that the registrar may have his office in a different place from his dwelling.

The amendment was put and agreed to.

Clause 371, as amended, was allowed to stand part of the Bill.

Clauses 372 and 373.

Clauses 372 and 373 were allowed to stand part of the Bill.

Clause 374.

The Hon'ble M. KRISHNAN NAYAR:—My amendment to this clause is, my Lord, that the last two provisos be omitted. The clause relates to the duty of certain persons including the father, mother, midwife and other persons assisting at the birth of a child or the occupier of a building in which the child is born to report the birth to the Municipal authorities. The first, second and third paragraphs relate to their duty and the fourth is a particular proviso. The last two provisos commencing with line 29 relate to cases in which an illegitimate child is born. In such cases certain provisions are made. These two provisos run as follows:—

“Provided also that in the case of an illegitimate child it shall in the first instance be the duty of the mother to give information, and that no person shall as the father be required to give information concerning the birth of such child.

“Provided also that in the case of an illegitimate child the registrar shall not enter in the register the name of any person as the father of the child, except at the joint request of the mother and of the person acknowledging himself to be the father, and unless such person countersigns the register.”

If the provision contained in these two provisos is to be carried out, it will lead to an enquiry as to whether a particular child is illegitimate or legitimate. It may be a delicate enquiry involving some invidious distinction. The whole thing is very delicate, and it is on that ground that I propose the omission of these two provisos. There are amendments in relation to the same matter moved by me with reference to the next clause and in relation to the same matter I move an amendment to Schedule XIII. I also move an amendment in regard to Schedule XIV which specifically provides the form for reporting the birth of an illegitimate child. The fate of other amendments will depend upon the fate of this amendment. The object of the provision is to obtain correct statistics of births and deaths by the Municipality. Information regarding the births of children without any enquiry as to whether those children are legitimate or illegitimate is enough.

The amendment fell through for want of a seconder.

Clause 374 was allowed to stand part of the Bill.

Clause 375.

The Hon'ble M. KRISHNAN NAYAR:—My amendment to this clause lapses.

Clause 375 was allowed to stand part of the Bill.

Clauses 376 to 385.

Clauses 376 to 385, both inclusive, were allowed to stand part of the Bill.

Clause 386.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in the proviso, lines 17 and 18, for the words “with the sanction” the words “subject to the general or special orders” be substituted.

This is a very small amendment. A similar amendment also stands in the name of the Hon'ble Mr. Prakasa Mudaliyar. It is not necessary for the President to go to Government in every case. The Local Government may issue special or general orders as they deem fit.

The Hon'ble R. N. Prakasa Mudaliyar seconded the amendment.

The amendment was put and agreed to.

His Excellency the PRESIDENT:—The next amendment of the Hon'ble Mr. Prakasa Mudaliyar is identical and falls through.

Clause 386, as amended, was allowed to stand part of the Bill.

Clauses 387 to 403.

Clauses 387 to 403, both inclusive, were allowed to stand part of the Bill.

Clause 404.

The Hon'ble Mr. G. S. FORBES:—This is one of the most important clauses of the Bill, because it gives the Corporation power to make by-laws. The complaint has been made that the Corporation has little direct authority, but those who are under that belief cannot have adverted to this clause which confers on the Corporation enormous powers of regulating all Municipal affairs. I propose now to include in the clause a few further powers. I move—

That the following be inserted as sub-clause (11-A), namely: “(11-A). The maintenance of a map of the drainage system, and the giving of facilities for the inspection of the same by the rate-payers.”

The necessity for this provision will be felt when householders have, under certain circumstances, to connect house drains with Municipal drains. It is desirable that there should be a map of the Municipal drainage system so that a house-owner may know how to lay out his drains.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—I beg to move that—

(i) In sub-clause (14), line 49, after the word “therein” the words “and the control and regulation of the sanitary condition of the same” be inserted.

(ii) In sub-clause (23), line 34, after the word “diseases” the words “of men or animals” be inserted.

(iii) After the words “burial and burning grounds” in sub-clause (26), the following be added, namely:—

“and the levy of fees for the use of such grounds as are maintained out of the Municipal fund.”

I do not know if there are any Municipal burial-grounds, but if there are any they should have the power to levy fees for the use of such grounds. Whether they will do so or not is a matter for the Corporation to decide, but it is desirable that they should have the power.

The amendments were put and agreed to.

The Hon'ble M. KRISHNAN NAYAR:—I do not know whether it is necessary to move my amendment in regard to interpellation.

The Hon'ble Mr. G. S. Forbes explained that the matter had already been provided for in the amendment of clause 15.

With the permission of His Excellency the President, the Hon'ble M. Krishnan Nayar and the Hon'ble R. N. Prakasa Mudaliyar withdrew their amendments of which they had given notice regarding interpellations.

Clause 404, as amended, was allowed to stand part of the Bill.

Clauses 405 to 407.

Clauses 405 to 407, both inclusive, were allowed to stand part of the Bill.

Clause 408.

The Hon'ble Mr. G. S. FORBES:—Sub-clause (1) of this clause runs as follows: “(1) The Local Government may make rules *not inconsistent with this Act* in respect of the appointment and election of Commissioners and of members of the Standing Committee *and of the conduct of elections.*” These words were found to be inadequate and it appeared to the Advocate-General that the language should be altered. I therefore move—

That the last twenty-two words of sub-clause (1) be omitted and the following substituted, namely: “to regulate the manner of election or appointment of Commissioners under section 5, the election of members of the Standing Committee under section 7, the conduct of elections under Chapter III, and any other matters regarding the system of election or appointment which it may seem expedient to provide for; and to regulate the grant of pensions and gratuities to officers appointed under sections 8 and 11.”

The Hon'ble Mr. Prakasa Mudaliyar will observe that rules will be made for the election of members of the Standing Committee.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—I beg to move—

That in sub-clause (2), line 43, after the words “any part of” the word and figure “Schedule III” be inserted.

Schedule III is one which relates to the boundaries of wards, and the amendment empowers the Local Government to alter from time to time the boundaries of wards so as to suit the varying circumstances of the population, etc., for the purpose of regulating the distribution of electoral body. I would also move with Your Excellency's permission that at the end be inserted the words “or schedule XVIII”. Schedule XVIII defines the military zone. We have had a considerable amount of difficulty in finding out what the boundaries of the military zone are. We have described the boundaries as exactly as possible. But if there should be any doubt about the matter we should be able to alter the boundaries without fresh legislation, and it is with that view I move the amendment.

The Hon'ble Mr. G. Stokes seconded the amendments.

The amendments were put and agreed to.

Clause 408, as amended, was allowed to stand part of the Bill.

Clauses 409 to 414.

Clauses 409 to 414, both inclusive, were allowed to stand part of the Bill.

Clauses 415 and 416.

The Hon'ble Mr. G. S. FORBES:—It will be seen that in the explanation to clauses 415 and 416 it is stated “the entries in the third column”. The first column is divided into two. What is really the third column is designated in the schedule as second. I therefore propose that “second” be substituted for “third” in the explanation to these two clauses.

The amendment was put and agreed to.

Clauses 415 and 416, as amended, were allowed to stand part of the Bill.

Clauses 417 to 419.

Clauses 417 to 419, both inclusive, were allowed to stand part of the Bill.

Clause 420.

The Hon'ble Mr. G. S. FORBES:—In clause 420, which provides for the punishment of scavengers who withdraw without notice from work, the penalty provided is imprisonment. It is now proposed to insert the option of a fine. I therefore move—

That in sub-clause (2), after the words “shall be liable” the words “on conviction to a fine not exceeding fifty rupees or” be inserted.

The amendment was put and agreed to.

Clause 420, as amended, was allowed to stand part of the Bill.

Clause 421.

Clause 421 was allowed to stand part of the Bill.

Clause 422.

The Hon'ble Mr. G. S. FORBES:—I stated in reference to the amendment which I moved to clause 340 to strike out the words “subject to the sanction of the Standing Committee” that I would insert a provision in the appeal clause. I therefore now move—

That in clause (c) of sub-clause (1), after the word and figure “section 328” in line 43, the words and figures “section 340, sub-section (2)” be inserted.

The amendment was put and agreed to.

Clause 422, as amended, was allowed to stand part of the Bill.

Clauses 423 to 448.

Clauses 423 to 448, both inclusive, were allowed to stand part of the Bill.

Clause 449.

The Hon'ble M. KRISHNAN NAYAR:—My amendment is for the omission of this clause which relates again to the prosecution of persons for non-payment of taxes. This amendment lapses because a similar amendment moved by me was not carried.

Clause 449 was allowed to stand part of the Bill.

Clauses 450 and 451.

Clauses 450, 451 and 452 were allowed to stand part of the Bill.

Clause 452-A.

The Hon'ble Mr. G. S. FORBES:—I beg to move that after clause 452 the following be inserted as clause 452-A, namely:—

“452-A. The President may, subject to the control of the Corporation,—

“(a) institute, defend or withdraw from legal proceedings under this Act or any rule, by-law or regulation made thereunder;

“(b) admit, compromise or withdraw any claim made under this Act or any rule, by-law or regulation made thereunder; and

“(c) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Corporation or the Standing Committee to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any Municipal authority, officer or servant.”

This is a new clause which is merely a procedure clause and which has been suggested by the Hon'ble the Advocate-General. It is taken from the Calcutta Act.

The Hon'ble the ADVOCATE-GENERAL:—I beg to second this amendment. In Calcutta they have had these powers explicitly given.

The amendment was put and agreed to.

Clauses 453 to 467.

Clauses 453 to 467, both inclusive, were allowed to stand part of the Bill.

Schedules.

His Excellency the PRESIDENT:—I think I will consult the wishes of the Honourable Members as to what we should do now. We have got a little more to do in the way of passing the Schedules, and I suppose it will take half an hour to do them. After that the motion that the Bill be passed into law will come. The question is whether Honourable Members will prefer to adjourn the passing of the Schedules and the Bill to-morrow or only the passing of the Bill.

The Hon'ble K. VASUDEVA AIYANGAR AVARGAL:—We have been sitting here from 11 o'clock in the morning and it is better that we adjourn.

His Excellency the PRESIDENT:—I should like to have the sense of the Council.

The motion to adjourn the Council meeting was put to the Council and agreed to, thirteen voting for and four against it.

His Excellency the PRESIDENT:—I think if we meet at 12 o'clock to-morrow, we can have ample time to get through our work. May I therefore take it that it meets the convenience of Honourable Members if the Council is adjourned till 12 o'clock to-morrow.

5 P.M.

Proceedings of an Adjourned Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Vic., cap. 67, and 55 and 56 Vic., cap. 14.

The Council met at the Council Chamber, Fort St. George, at noon, on Friday the 15th day of April 1904.

P R E S E N T :

His Excellency Baron AMPHILL, G.C.I.E., Governor of Madras—*Presiding.*

The Hon'ble Mr. J. THOMSON, C.S.I.

The Hon'ble Mr. G. STOKES, C.S.I.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR AVARGAL.

The Hon'ble C. SANKARAN NAYAR AVARGAL.

The Hon'ble K. VASUDEVA AIYANGAR AVARGAL.

The Hon'ble Mr. M. HAMMICK, C.I.E.

The Hon'ble Mr. C. J. WEIR.

The Hon'ble R. N. PRAKASA MUDALIYAR AVARGAL.

The Hon'ble Mr. J. TWIGG.

The Hon'ble Diwan Bahadur R. V. SRINIVASA AIYAR AVARGAL.

The Hon'ble Mr. J. N. ATKINSON.

The Hon'ble Dr. A. G. BOURNE, F.R.S.

The Hon'ble G. SRINIVASA RAO AVARGAL.

The Hon'ble M. KRISHNAN NAYAR AVARGAL.

The Hon'ble Sir G. G. ARBUTHNOT, Kt.

The Hon'ble GHULAM MUHAMMAD ALI SAHIB BAHADUR, Khan Bahadur, Prince of Arcot.

The Hon'ble Mr. G. S. FORBES.

The Hon'ble Mr. H. P. HODGSON.

The Hon'ble Mr. H. BRADLEY.

The Hon'ble Mr. J. E. P. WALLIS (Advocate-General).

The Hon'ble C. MUTTUKUMARASWAMI MUDALIYAR AVARGAL, Zamindar of Chunampet.

THE MADRAS CITY MUNICIPAL BILL, 1903.

Schedules I and II.

12 noon.

His Excellency the PRESIDENT:—We commence to-day with the Schedules to the Bill.

Schedules I and II were allowed to stand part of the Bill.

Schedule III.

The Hon'ble Mr. G. S. FORBES:—I beg to move that for Schedule III the following Schedule be substituted, namely:—

SCHEDULE III.

BOUNDARIES OF DIVISIONS.

(See section 35.)

1st or Rayapuram division.—Bounded on the north by the Municipal boundary, on the south by Ebraimji Sahib street, on the east by the sea, and on the west by Manarswamikoil street and Suryanarayana Chetti street.

2nd or Monegar Choultry division.—Bounded on the north by the Municipal boundary, on the south by the line of the Black Town wall, on the east by Manarswamikoil street and Suryanarayana Chetti street, and on the west by Tiruvottiyur High road.

3rd or Korukupet division.—Bounded on the north by the Municipal boundary, on the south by Basin Bridge road, on the east by Tiruvottiyur High road, and on the west by the Buckingham Canal.

4th or Harbour division.—Bounded on the north by Ebraimji Sahib street, on the south by Mannadi street and Parish Venkatachella Aiyar street, on the east by the sea, and on the west by Portuguese Church street and Varadamuttiappan street.

5th or Kachilesvaram division.—Bounded on the north by Mannadi street and Parish Venkatachella Aiyar street, on the south by Errabalu Chetti street, on the east by the sea, and on the west by Varadamuttiappan street.

6th or Esplanade division.—Bounded on the north by Errabalu Chetti street, on the south by the river Cooum, on the east by the sea, and on the west by Varadamuttiappan street, Irusappa Maistri street, and a line from the south end of Irusappa Maistri street across the Evening Bazaar Esplanade towards the south and continued to the river Cooum.

The Fort and its glacis being excluded from these limits.

7th or Seven Wells division.—Bounded on the north by Basin Bridge road, on the south by Tirupalli street and Tata Muttiappan street, on the east by Portuguese Church street and Varadamuttiappan street, and on the west by the Buckingham Canal.

8th or Trevetyan Basin division.—Bounded on the north by Tirupalli street and Tata Muttiappan street, on the south by China Bazaar road, on the east by Varadamuttiappan street, and on the west by the Buckingham Canal.

9th or Park Town division.—Bounded on the north by China Bazaar road, on the south by the river Cooum, on the east by Varadamuttiappan street, Irusappa Maistri street, and a line from the south end of Irusappa Maistri street, across the Evening Bazaar Esplanade towards the south and continued to the river Cooum, and on the west by the Buckingham Canal.

10th or Perambore division.—Bounded on the north by the Municipal boundary, on the south by the Elephant Gate Bridge road, deMellow's road, Strahan's road and Coonoor road, on the east by the Buckingham Canal, and on the west by the Municipal boundary.

11th or Pursewaulkam division.—Bounded on the north by Strahan's road and deMellow's road, on the south by Chulai Bazaar road, Hunter's road and Pursewaulkam High road, on the east by Sydenham's road, and on the west by Brick-kiln road.

12th or Vepery division.—Bounded on the north by Pursewaulkam High road, Hunter's road, Chulai Bazaar road, Sydenham's road and Elephant Gate Bridge road, on the south by Poonamallee High road, on the east by the Buckingham Canal, and on the west by Old Lunatic Hospital road and Flower's road.

13th or Egmores division.—Bounded on the north by Poonamallee High road, on the south by the river Cooum, on the east by the river Cooum and the Buckingham Canal, and on the west by a line from the south end of Flower's road drawn southwards across the Spur tank to the Cooum.

14th or Kilpauk division.—Bounded on the north by Coonoor road and Namasivayya Chetti street, on the south by the Cooum, on the east by Brick-kiln road, Old Lunatic Hospital road, Flower's road and a line from the south end of Flower's road drawn southwards across the Spur tank to the Cooum, and on the west by the Municipal boundary.

15th or Nungambakam division.—Bounded on the north by the river Cooum, on the south by Peter's road, Mount road, Nungambakam road and Kodambakam road, on the east by Dam's road, General Patter's road, Wood's road and Westcott's road, and on the west by the Municipal boundary.

16th or Chintadripet division.—Bounded on the north, east and west by the Cooum, and on the south by Mount road and Dam's road.

17th or Chepauk division.—Bounded on the north by the Mount road and the Cooum, on the south by Pycroft's road, on the east by the sea, and on the west by General Patter's road and Wood's road.

18th or Triplicane division.—Bounded on the north by Pycroft's road, on the south by Icehouse road, on the east by the sea, and on the west by Westcott's road.

19th or Royapettah division.—Bounded on the north by Peter's road and Icehouse road, on the south by Eldham's road, Mowbray's road, Luz road and Cutcherry road, on the east by the sea, and on the west by the Municipal boundary.

20th or Mylopore division.—Bounded on the north by Eldham's road, Mowbray's road, Luz road and Cutcherry road, on the east by the sea, and on the south and west by the Municipal boundary.

This is a consequential amendment on an amendment which we have already introduced in the Bill. We have divided the City into twenty divisions instead of eight, the boundaries of which have to be set out in a Schedule. The boundaries in the Schedule as proposed to be amended are those that appear in the municipal records and they are believed to be correct.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I hope the Honourable Mover of the amendment will have no objection to substitute for the words "Moncgar Choultry village" the words "Tondiarpet division". Tondiarpet is the proper revenue village. Rayapuram and Korukupet are merely hamlets of Tondiarpet.

The Hon'ble Mr. G. S. FORBES :—I have no objection to that. The Schedule was drawn up by the President of the Municipality. I may remind Honourable Members however that the Schedule can be altered and modified at any time under powers taken in the Bill.

The amendment was put and agreed to, with the alteration suggested by the Hon'ble R. N. Prakasa Mudaliyar.

Schedule IV.

Schedule IV was allowed to stand part of the Bill.

Schedule V.

The Hon'ble R. N. PRAKASA MUDALIYAR :—I beg to move that for Schedule V the following Schedule be substituted, namely :—

SCHEDULE V.

TAX ON PERSONS EXERCISING PROFESSIONS, ARTS, TRADES AND CALLINGS.

(See section 118.)

Class I.

	Yearly. Rs.
Joint-stock companies and other companies carrying on any trade or business having gain for its object, or as benefit societies, and the capital of which exceeds Rs. 20,00,000	1,000
Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City has in the year immediately preceding the year of taxation exceeded Rs. 1,00,000 shall pay	
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity upon a monthly salary of Rs. 10,000 or upwards	
Merchants, bankers, sowcars, money-lenders, contractors, ship or boat owners, traders, auctioneers, commission agents or any agents, gumastas or servants in charge of the business of the aforesaid persons when the principals are non-resident	
Editors or proprietors of newspapers	
Keepers of any warehouse or produce depot	
Dubashes, brokers or other persons employed in the transfer, sale or purchase of imports and exports, or in the transfer, sale or purchase of securities, shares or bills of exchange or in procuring freight	
Practising barristers, attorneys-at-law, proctors, notaries public, pleaders or vakils	
Practising physicians, surgeons, licentiates of medicine, apothecaries, veterinary surgeons, dentists, architects, builders, civil engineers, land or marine surveyors, hakims, vaidyans, or other such native medical practitioners	
Owners or farmers of markets, hotel-keepers, lodging or boarding house keepers, shop-keepers	
Owners of any printing press, or press of cotton, jute, hides or other materials, of any coffee-cleaning establishment, mill or other industry.	
Professional artists, artisans, manufacturers, painters, photographers, actors, musicians, bhagavathars, dancers, horse dealers and dealers of every description not specified above	

Class II.

Companies of any of the descriptions mentioned in class I the capital of which is not less than Rs. 15,00,000 but does not exceed Rs. 20,00,000.	800
Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 80,000 but has not exceeded Rs. 1,00,000 shall pay	
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 7,500 a month and is less than Rs. 10,000.	
All other persons described in class I but not assessed in that class	

		Yearly. Rs.
<i>Class III.</i>		
Companies of any of the descriptions mentioned in class I the capital of which is not less than Rs. 10,00,000 but does not exceed Rs. 15,00,000. Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 60,000 but has not exceeded Rs. 80,000 shall pay		600
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 5,000 a month and is less than Rs. 7,500		
All other persons described in class I but not assessed in any of the above classes		
<i>Class IV.</i>		
Companies of any of the descriptions mentioned in class I the capital of which is not less than Rs. 7,00,000 but does not exceed Rs. 10,00,000. Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 40,000 but has not exceeded Rs. 60,000 shall pay		400
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 3,500 a month and is less than Rs. 5,000		
All other persons described in class I but not assessed in any of the above classes		
<i>Class V.</i>		
Companies of any of the descriptions mentioned in class I the capital of which is not less than Rs. 5,00,000 but does not exceed Rs. 7,00,000 .. . Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 30,000 but has not exceeded Rs. 40,000 shall pay		300
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 2,500 a month and is less than Rs. 3,500		
All other persons described in class I but not assessed in any of the above classes		
<i>Class VI.</i>		
Companies of any of the descriptions mentioned in class I the capital of which is not less than Rs. 3,00,000 but does not exceed Rs. 5,00,000 .. . Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 20,000 but has not exceeded Rs. 30,000 shall pay		200
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 2,000 a month and is less than Rs. 2,500		
All other persons described in class I but not assessed in any of the above classes		
<i>Class VII.</i>		
Companies of any of the descriptions mentioned in class I the capital of which is not less than Rs. 2,00,000 but does not exceed Rs. 3,00,000 .. . Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 15,000 but has not exceeded Rs. 20,000 shall pay		150
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 1,500 a month and is less than Rs. 2,000		
All other persons described in class I but not assessed in any of the above classes		

		Yearly. Rs.
<i>Class VIII.</i>		
Companies of any of the descriptions mentioned in class I the capital of which is not less than Rs. 1,50,000 but does not exceed Rs. 2,00,000 .. . Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 10,000 but has not exceeded Rs. 15,000 shall pay		100
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 1,000 a month and is less than Rs. 1,500		
All other persons described in class I but not assessed in any of the above classes		
<i>Class IX.</i>		
Companies of any of the descriptions mentioned in class I the capital of which is not less than Rs. 1,00,000 but does not exceed Rs. 1,50,000 .. . Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 8,000 but has not exceeded Rs. 10,000 shall pay		80
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 750 a month and is less than Rs. 1,000		
All other persons described in class I but not assessed in any of the above classes		
<i>Class X.</i>		
Companies of any of the descriptions mentioned in class I the capital of which is below Rs. 1,00,000 Provided that any company, the head office or a branch or principal office of which is not in the City, and which shows that its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 6,000 but has not exceeded Rs. 8,000 shall pay		60
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 500 a month and is less than Rs. 750		
All other persons described in class I but not assessed in any of the above classes		
<i>Class XI.</i>		
Companies of any of the descriptions mentioned in class I, the head office or a branch or principal office of which is not in the City and which shows its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 3,500 but has not exceeded Rs. 6,000		35
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 300 a month and is less than Rs. 500		
All other persons described in class I but not assessed in any of the above classes		
<i>Class XII.</i>		
Companies of any of the descriptions mentioned in class I, the head office or a branch or principal office of which is not in the City and which shows its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 2,000 but has not exceeded Rs. 3,500		20
All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 200 a month and is less than Rs. 300		
All other persons described in class I but not assessed in any of the above classes		

Class XIII.

- Companies of any of the descriptions mentioned in class I, the head office or a branch or principal office of which is not in the City and which shows its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 1,500 but has not exceeded Rs. 2,000
- All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 150 a month and is less than Rs. 200
- All other persons described in class I but not assessed in any of the above classes

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Class XIV.

- Companies of any of the descriptions mentioned in class I, the head office or a branch or principal office of which is not in the City and which shows its gross income received in or from the City in the year immediately preceding the year of taxation has amounted to not less than Rs. 1,200 but has not exceeded Rs. 1,500
- All persons holding any office or appointment, public or private (not being a military profession or calling), or employed in any capacity whose salary amounts to Rs. 100 a month and is less than Rs. 150
- All other persons described in class I but not assessed in any of the above classes

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In moving my amendment I have to make a few remarks, My Lord.

There seems no reason why the Municipality should not enhance its revenue by a reclassification of the profession Schedule just as it is entitled to enhance any other source of Municipal revenue. At the present moment it appears unnecessary to go into the origin and history of profession-tax. Suffice it to say that it is the legal descendant of the old motarpha, which was being levied in this country long before the Imperial income-tax was dreamt of, and it is therefore not logical to say that by enhancing this tax the Municipality is encroaching on the rights of Government. I mention this as there is a misconception existing in some minds that it is a double of the income-tax, although such misconception should not exist, especially after the result of the enquiry recorded by Government in paragraph 15 of the General Municipal Review for 1886-87.

This tax was first levied in this City under Act IX of 1867 under the name of "License tax", a designation which indicates its proper scope. This tax is being levied not only in this country but also in other parts of the civilised world. In the United States of America it goes by the name of a tax on avocations. As was laid down there it is a tax upon the privilege of exercising a profession and not upon income earned. Under clause 118 of the Bill the Municipal Corporation of Madras is authorized to levy a tax on every person who within the City exercised any one or more of the arts, professions, etc., specified in Schedule V, and under clause 119 the President is empowered to decide in which of the classes in the said Schedule a person ought to be placed. It must specially be noticed that in neither of these clauses any reference is made to the income of an assessee. In the Schedule, however, salary is mentioned in respect to persons holding offices, appointments, etc., but nothing is said with regard to the income of those who follow arts and professions. A critical examination of the Schedule will make it clear that the classification therein is made not reference rather to the dignity of a profession which a person follows or some such etc. They appear under classes I and II but are dropped under class III. Further, basis of their income but on their capital, although that capital may produce no profit criterion on which this tax has to be assessed. Nevertheless the High Court in Referred case No. 2 of 1879 and in Referred case No. 5 of 1900 have laid down that the tax should be levied in the case of all arts and professions enumerated in Schedule A of the

existing Act not only on the "income" but on the "net income" of a person practising a profession, etc. The Schedule attached to the Bill is identically the same as that appended to the existing Act, and consequently the decisions quoted will equally apply to the Bill when it becomes law. These rulings of the High Court, though perhaps legally correct, are opposed at any rate to the traditions of the tax, for they bring it to the level of an income-tax, which it is not. The result of these decisions has been that the revenue of the Municipality under this head has been decreasing and is likely to decrease further. It must be remembered that in Calcutta from which the present Bill has borrowed so much, the tax is imposed not on the income but with reference to the value of a person's place of business. It is to guard against the loss of revenue that the Commissioners have recommended a reclassification of the present Schedule in the place of the one attached to the Bill, which is exactly the same as the Schedule in the existing Act. The first flaw in the existing Schedule is the utter want of equalization of its incidence, and when judged by this criterion it cannot be denied that the Schedule attached to the Bill is extremely faulty. To mention only one case falling in the higher class, Your Excellency pays the same amount of profession-tax as any one of your Colleagues in the Executive Council although the disparity in the salary is very great. Going to the lower classes we find that on some the incidence comes to As. 2-8 per cent. In some cases to As. 11 per cent. A person earning Rs. 100 a month has to pay 6-8 per cent., but if his income rises to Rs. 200 a month the incidence dwindles to As. 3-4 per cent. If the income begins with Rs. 200 he has to pay As. 6 per cent. but when it rises to Rs. 500 his taxation falls to As. 2-8 per cent. Can anything be more unfair than such a classification.

In paragraph 15 of the General Municipal Review for 1886-87, the Government observed that "the tax is unpopular, but the Government are convinced that it cannot be done away with. The common complaint against it is that it is a double of the income-tax, but the enquiry held showed that this was not the case. The unpopularity, however, appears to be due in part to imperfection in the Schedule". The Government further remarked that "the Schedule needs amendment and more detailed information will be collected next year". In G.O., No. 304 M., dated 31st March 1887, the Government remarked that the "lowest classes of the Schedule might be excluded from the operation of the tax in more instances than is actually the case at present, and if the assessments on the higher classes were properly levied, no loss of revenue would result". In a letter to the Government of India, dated 14th March 1888, No. 234 M., it was pointed out that the abolition of the tax would cause a deficit in Municipal revenue. The Government of India accepted the recommendation that the removal of the tax was impracticable and expressed the opinion that the essential condition of its retention was a thorough revision of the method of assessment and the equalization of the incidence of the tax, and it is for this purpose that the Municipal Commissioners have reclassified the Schedule the acceptance of which I beg to urge on the Council. It is an accepted principle of local finance that personal as well as real property should be made to contribute to expenses of Local Government, and there seems no reason why the Municipal Commissioners of Madras should not be permitted to raise one particular source of its income while the right to increase the other sources is freely conceded to it.

It may not be out of place to submit for Your Excellency's consideration how ridiculously low is the present scale of profession-tax. It is only a few annas per cent., and it will be well to compare it with other taxes leviable under the Act from the masses. The tax on buildings and lands is 10 per cent. The tax on water and lighting is, respectively, 4 and 2 per cent. The tax on timber is 5 per cent. The tax on firewood is Rs. 3-12-0 per cent. and the tax on slaughter of animals (sheep) is 5 per cent. Can there possibly be any reason why the profession-tax should not be at least 1 per cent.? The objections raised to the proposed reclassification of the profession-tax are: (1) that it would be an encroachment on the field of the imperial income-tax, (2) that it is almost double the rate leviable on those now liable under the present Schedule, and (3) that it would press with particular hardship upon the upper classes of the population and throw upon them in a disproportionate degree a burden which should be shared by all according to their means. As regards the first objection, I have already pointed out that the profession-tax provided for in the Municipal Act has been in existence from a period long anterior to the introduction of the Imperial income-tax. As regards the second objection, I have also pointed out already that the theory of the profession-tax being the double of income-tax has been set aside by Government itself. With

regard to the third objection, all I would ask is why the upper classes who derive greater advantages should not pay a larger share for the comforts they seek more than others.

I submit, Sir, that in Madras the upper classes form a very small proportion of its population and any small hardship will not be felt so keenly by them as by the poor people. The rich should not grudge bearing a little burden if it is to relieve the fallen and the weak from a heavy load. The reason that prompted the Imperial Government to bring into the field of income-tax only certain of its subjects and not all, is in itself sufficient to justify that the upper classes should ever be ready to bear a little more burden. Any imperial object must of necessity be calculated to confer benefit of some kind upon all, and in the case of income-tax intended to furnish funds for an imperial object all have not been brought under the purview of the Act governing it. But be that as it may, I frankly confess I am not one of those who preach the gospel that the rich should be taxed for the benefit of the poor. At the same time I must say I cannot persuade myself to agree to the doctrine that the poor should be taxed for the benefit of the rich. The Schedule, as it now stands, is a legalised authority for the perpetration of this wrong.

Examine it carefully and what do you find except that the incidence of the tax falls heavier on the poor than on the rich.

Is this equity? ^{10-20 P.M.} ~~up~~ ^{up} ~~use~~ ^{use} ~~tax~~ ^{tax} and the several kindred taxes are assessed so much per cent. on the ~~ren~~ ^{ren} ~~evaluation~~ ^{evaluation} of the property to whosoever it may belong. Is it unfair to ask that the ~~profession-tax~~ ^{profession-tax} similarly be so much per cent. on the income earned, whether it be by the rich or the poor? It is the equalization chiefly of the incidence of taxation which the Commissioners had in view in recasting the existing Schedule, and it is to emphasise that view only that I press for its adoption. Added to this inequality in taxation, the poor suffer in another direction. As has already been pointed out by me, the High Court, neglectful of the local fiscal traditions of the country, have laid down that the profession-tax should be assessed on the net income. Rich merchants who keep accounts and understand their classification get rebate on their gross earnings, whereas poor traders, uninitiated into that art and unable to satisfy the executive as to whether any particular item of expenditure is liable to exemption or not, pay the tax on what their richer brethren do not. Here again is a case in which the poor pay proportionately more than the rich. The companies pay the tax on their capital and not on their income, the salaried men pay it on their gross and not on their net salary, and there is no conceivable reason why individual merchants should not pay on their gross earnings. As has already been shown, profession-tax is not income-tax and it is not reasoning by analogy to say that because the latter is calculated on the net income so should the former be. Granting for the sake of argument merely that the two taxes are both alike, even then it is not correct to say that the rules that apply to the one should apply to the other. I quote a recognised authority when I say that "Municipal Charters have been held to authorise the Corporations to tax in a different mode and upon different principles from that adopted by legislature in respect to State taxation". While on this subject, I presume I will be pardoned if I say a word or two to refute the remark that is generally made in responsible quarters that Municipal amenities are equally, if not more, enjoyed by the poor than by the rich. A little critical examination of our surroundings will convince any sceptic mind that the reverse is rather the case. Excepting the blessing of the water-supply which has been brought to the very door of the rich and within a reasonable distance of the poor, what other advantage has the Municipal Corporation conferred upon the poor? Neither the proper maintenance of the main roads, nor the expenditure lavished on them for their proper lighting is a matter for which the poor need bless the Corporation. Until the well-known insanitary surroundings of the native dwellings is made to yield to a better condition of things, until the pressing question of the hour how to remove the existing lamentable overcrowding in congested parts of the town is solved and until and unless vital statistics demonstrate the fact that the mortality is appreciably decreasing and not increasing, let us not hold the view that the poor are being looked after at the expense of the rich.

The Hon'ble M. Krishnan Nayar seconded the amendment.

The Hon'ble Mr. G. S. FORBES:—With reference to this amendment to substitute this new Schedule, the real objection to it is not one of detail but one of general principle. As a matter of fact, I suppose it would not matter very much what we

said here, because the Government of India have, with very great difficulty, allowed the present Schedule to remain. If a special Schedule of a much more drastic character were to be substituted, we should have to obtain the sanction of the Government of India, as it concerns a matter of taxation and we know perfectly well that they will not give their sanction. In fact, Madras is the only part of India where a profession-tax which is really an income-tax is imposed under Municipal laws. The Government of India hold the view, which is also held in England, that any local rate in the nature of an income-tax is objectionable, inasmuch as it trespasses upon the powers of the Imperial Government to use the income-tax. As a recent authority clearly points out the value of an income-tax is seriously impaired as an imperial source of taxation if it is hampered by local additions; and that if it was thus raised to too high a pitch the incentives to fraud would be so great as to threaten its productiveness. Neither the Government of India nor any other Government permit the income-tax to be used as a tax for local rates; and the retention of the existing Schedule is a pure concession. The Hon'ble Mr. Prakasa Mudaliyar has himself practically admitted that this profession-tax is an income-tax. However, he argues that it is the right of the Municipality to use this tax, because they have been using it so long. He goes back to the Muhammadan times and points out that long before the advent of the British this was a source of revenue; and that it was used not only for local purposes but also for Imperial and Provincial purposes. But even if this were so the financial views of those days are not ours. Nor is it an argument that the Municipal profession-tax was in existence before the Imperial income-tax. It is for the Government to choose the modes of taxation. The Municipalities have no rights in the matter. The Hon'ble Mr. Prakasa Mudaliyar's instance from America of a tax upon avocations is an argument directly against himself for the Honourable Member has himself described this American tax as a tax upon the privilege of exercising a profession and not a tax upon income earned. But it is the latter description which fits the profession-tax here. That is what they avoid in America. The similar tax in Calcutta and other northern Municipalities is a tax on the mere exercise of a particular trade and is not assessed directly with reference to the income which the trader makes. We all know the difficulties of assessing income-tax and exactly the same difficulties will arise with the Municipality, without their having the machinery which the Imperial Government have, of finding out what a man's income is; and the more you expand the tax, the greater the difficulty becomes. You must remember that this is not the only tax paid by people and it is impossible to impose a tax which is equal all round. I am not going to follow the arguments of the Honourable Member that this tax in its present distribution and under the Bill presses more hardly on the poor than on the rich. This is only one of the many taxes of the Municipality. I do not agree with him that the poor do not obtain any advantages from Municipal administration in comparison with the rich. If that were true, that would be a good ground for abolishing the Municipality altogether. The municipal advantages which the poor people enjoy are far greater now than what they enjoyed twenty or thirty years ago; and I am convinced that the poor as compared with the rich derive more generous and liberal benefits from municipal administration. But after all the real objection to this amendment is one of principle. It is practically an income-tax and the Government has no intention of making this Schedule more drastic than what it is. It is with great difficulty that they obtained the sanction of the Government of India to retain it in the present form. I, therefore, oppose the amendment.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR:—I beg to say a few words on this amendment. I am aware that the drainage-tax has been increased to 6½ per cent., so that the Municipality has an additional source of income which it did not possess. At first sight it may appear to be unnecessary to allow this increase in professional-tax. Your Excellency will remember that at the time the increase in the drainage-tax was proposed, it was brought to the notice of the Council that this was only an enabling clause and that there is no reason to have recourse to that so long as the Municipality do not require additional money to meet their expenditure. The reason why I beg to support this amendment is that if we show an additional source of income such as this one, it is likely that the drainage-tax shall not be increased. I strongly feel—whether I am right or wrong in my view—that any addition to the drainage-tax or water-tax will have a most disastrous effect upon the condition of the poorer classes in the town. With reference to the arguments that might be advanced either for or against the professional-tax suggested, the Honourable Mover of the

amendment has so fully gone into them and, if Your Excellency will permit me to say, has also put his arguments so convincingly that I have little to add to it. There are a few arguments advanced by the Honourable Member in charge of the Bill to which it appears some arguments may be given in reply. I am thankful for the statement that the objection to the amendment is not so much a question of detail as a question of principle. It appears to me that the moment the Government of India have agreed to have a profession-tax introduced, the objection on the question of principle vanishes. Then it has been said that there might be some difficulty in the matter of working the Schedule, that all kinds of inquisitorial proceedings might have to be taken and that the Municipality might not have the power to ascertain exactly the income of the various persons who will be liable to be taxed under this Schedule. It appears to me, My Lord, that that argument could not be considered a convincing argument for this reason: that if Your Lordship will kindly look into the Schedule as it is given in the Bill and as it is proposed to be modified, the lowest income that is assessable is something over one thousand rupees a year. Therefore it will come to this: that if the Municipality have to ascertain as to who are the persons liable to be taxed they will have of necessity to go into the question of income, so that whatever difficulties there are in existence, the same difficulties will continue to exist and no fresh difficulties will be added. As for the argument that this is really trenching upon the province of Imperial taxation, it has been shown that, so far as this town is concerned, if any body has right to complain, it is the Municipality and not the Government. This tax has been in existence before the Imperial tax was ever thought of, and under these circumstances there cannot be any such objection that can be considered to be valid so far as this town is concerned. I, therefore, submit that the Schedule as amended is entitled to the consideration of this Council.

The amendment was put and lost, five voting for and thirteen against it.

His Excellency the PRESIDENT:—The Hon'ble Mr. Krishnan Nayar's amendment is practically the same and therefore lapses.

Schedule V was allowed to stand part of the Bill.

Schedule VI.

The Hon'ble R. N. PRAKASA MUDALIYAR:—My Lord, there are only two alterations I have proposed to this Schedule. My amendment is that in Schedule VI the following be substituted for the first item, namely:—

	Half-yearly.
	RS.
For every four-wheeled vehicle with springs propelled by electricity, gas, steam, or any other mechanical power	30
For every four-wheeled vehicle with springs drawn by two or more horses	15

The original tax for a four-wheeled vehicle propelled by electricity or drawn by horses was Rs. 15. It struck me—and several Europeans who talked to me are of the same opinion on the subject—that vehicles propelled by electricity or gas, etc., should be put on a different footing from the four-wheeled vehicles drawn by two or more horses. Therefore, my proposal is that in the case of the former it should be Rs. 30 and in the case of the latter Rs. 15. I might also refer to the Schedule regarding bicycles. The tax on bicycles was Rs. 4-8-0, but in the Schedule the Bill brings it down to Rs. 2. The tax on two-wheeled dog-carts is Rs. 4½. I think Rs. 2 is too low for a bicycle and I therefore propose Rs. 3, which is the tax that will have to be paid under the Bill on dog-carts. Perhaps it might be better to split the two amendments. I therefore move the amendment relating to four-wheeled vehicles.

The Hon'ble L. A. Govindaraghava Aiyar seconded the amendment.

The Hon'ble Mr. G. S. FORBES:—This matter was very carefully considered in the Select Committee; and motor cars and other carriages propelled by steam, electricity or other mechanical powers are brought within the operation of the Schedule. Rupees 30 per half year was, in the opinion of the Select Committee, far too high.

The amendment was put and lost.

The Hon'ble R. N. PRAKASA MUDALIYAR:—I beg to propose that in the same Schedule "Rs. 3" be substituted for "Rs. 2" as the half-yearly tax "for every other bicycle or trieyele".

•The amendment fell through for want of a seconder.

Schedule VI was allowed to stand part of the Bill.

Schedule VII.

The Hon'ble R. N. PRAKASA MUDALIYAR:—I beg to propose that the following Schedule of tolls under section 162 be substituted for schedule VII:—

SCHEDULE VII.

TOLLS.

(See section 162.)

	RS.	AN.	P.
On every four-wheeled vehicle with springs	0	8	0
On every other wheeled vehicle with springs	0	4	0
On every cart or other vehicle without springs drawn by men, bulls, bullocks, horses, asses, or mules, laden	0	4	0
On every cart or other vehicle without springs drawn by men, bulls, bullocks, horses, asses, or mules not laden	0	2	0
On every buffalo, bull or bullock, laden	0	1	0
On every horse over thirteen hands, laden or ridden	0	2	0
On every horse over thirteen hands, not laden or ridden	0	1	0
On every horse of or under thirteen hands, or ass, laden or ridden	0	1	0
On every elephant	1	0	0
On every camel	0	4	0

The proposal in this amended Schedule contemplates the raising of the rates of tolls and that is to equalise the existing rates in the District Municipalities and the Local Fund Boards. Some time ago, My Lord, the Municipality recommended to Government that this source of revenue ought to be improved. The Government thereon stated in reply that the enhancement of rates of tolls which were levied on outside traffic did not commend itself to Government and that if it were carried

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out the whole of the additional revenue would probably have to be paid over to the District Board of Chingleput. On the receipt of that order the late President of the Municipality, Sir George Moore, pointed out to Government that if, as a matter of principle, the District Board should have received any compensation, if they were entitled to any at all, surely they ought to have been getting it at that time. However, he pointed out to Government that even if a contribution was to be made that contribution would be small and the Municipal Commissioners would be prepared to meet it. Now, My Lord, there is no doubt that the Chingleput District Board does not take any portion of our tolls. That is because it does not allow any wheeled traffic to go over its roads without paying tolls. There are five miles of northern trunk road between the Madras toll-gate and the Red Hills toll-gate belonging to the Chingleput district, and on this road the Madras carriages have to pay four annas on entering and four annas on returning. Similarly there is a toll-gate on the western trunk road after passing Aminjikarai where a toll is collected by the District Board.

The Hon'ble Mr. G. S. FORBES:—It is ten miles away.

The Hon'ble R. N. PRAKASA MUDALIYAR:—Yes, at Poonamallee. I think there must be some object in the District Board collecting a double rate—the one when the carriage enters their limits and the other when it leaves their limits. But the Madras Municipality does not do that. There is only a single fare collected, that is, when the carriages enter the Madras roads; and carriages and animals pass free when they go out. The object of the double toll is firstly for the use of the Chingleput roads by the Madras vehicles and secondly for the use of the roads between their toll-gates and the Madras toll-gates. Even supposing it is contended that Madras ought to pay a contribution for the maintenance of that portion of the road between the two toll-gates, that is the portion of the road beyond the Madras limits, I think the contribution cannot be very much and can only be small. There are a few miles of road on the Kathivakkam side, and the Saidapet side up to Guindy. Both these sides belong to Chingleput. The maintenance of Kathivakkam road is only about Rs. 300 a year at Rs. 50 a mile, and the maintenance on the Saidapet road is about Rs. 300 a year at Rs. 200 a mile.

The Hon'ble C. MUTTUKUMARASWAMI MUDALIYAR :—That is not right.

The Hon'ble R. N. PRAKASA MUDALIYAR :—Whatever may be the cost of maintenance, the Municipality of Madras would be able to make a contribution. There will be no objection on that score. Then, My Lord, the Government thereupon said that the proposal to increase the rate of toll as a means of raising funds for financing the drainage scheme could not be accepted as the water-supply and drainage should be paid for by the inhabitants of Madras and not by the outside traffic. My proposal is not that the resources of the Municipality may be increased for the purpose of meeting the expenditure on the drainage scheme. I say that the Municipality of Madras does require a very large amount of money for the maintenance of its roads. The condition in which Madras roads are at present is a thing too well known to the public, and it requires the expenditure of a very large sum of money to set them right. Of course the Municipal Act provides for certain sources of revenue. The Act does not provide for the amount realised from each source being utilised for a particular purpose. All the revenues are amalgamated into the General Fund, with the exception of the Lighting Fund, which is kept separately and contributions are made from that to the General Fund. Even taking the contention of Government that outside carts of Chingleput should not contribute for the maintenance of our roads, I say that at present our taxes on vehicles, animals and carts amount to Rs. 1,49,000, the tolls yielding a revenue of Rs. 37,000. Our expenditure on roads, according to the current year's budget, is Rs. 1,70,000. A much larger sum would have been provided, but it was doubted whether, owing to the difficulty experienced in the past two months in obtaining materials for the roads, a larger sum could be utilised, so that provisionally this sum is put in the budget, with the condition that if the first eight months of the year should show that we are able to utilise the whole amount provided, the revised estimate would provide for a further sum for the maintenance of roads. My Lord, in the estimate of expenditure of Rs. 1,70,000 against our revenue of Rs. 1,49,000 for roads I have not included the proportionate cost of supervision—I mean the pay of officers, one-fourth of which at least amounting nearly to Rs. 10,000 ought to be charged to roads. Therefore, My Lord, it will be seen clearly that for the maintenance of our roads in the town and for keeping them up in the condition in which they ought to be, it is highly necessary that our revenue ought to be increased, and the very best direction in which that improvement can be made is the toll which would give us something like Rs. 30,000 more.

His Excellency the PRESIDENT :—I am afraid the Honourable Member is again without a seconder. I am unable to put the amendment.

Schedules VII to XII, both inclusive, were allowed to stand part of the Bill.

Schedules XIII and XIV.

His Excellency the PRESIDENT :—Will the Hon'ble Mr. Krishnan Nayar be satisfied if I rule out his amendments to Schedules XIII and XIV as they are consequent on the amendment already lost.

The Hon'ble M. KRISHNAN NAYAR :—Yes, My Lord. They relate to the birth of illegitimate children.

Schedules XIII to XV, both inclusive, were allowed to stand part of the Bill.

Schedule XVI.

The Hon'ble Mr. G. S. FORBES :—Besides the amendment I put on the notice paper there are one or two further amendments consequential on our having introduced certain clauses into the Bill. We have inserted a provision requiring the owners of bicycles to register the number of the bicycles. The failure to do that requires a penalty. I would move the insertion of the following :—

“1481 (3) { Failure to obey orders to affix and register number | Ten rupees”

His Excellency the PRESIDENT :—We will take the various amendments separately as they are matters of penalties.

The Hon'ble Mr. G. Stokes seconded the amendment.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—I don't want to oppose the amendment, but I would invite Your Lordship's attention to rule No. 3 (1) which says “Where a draft Bill contains penal clauses the previous sanction of the Government of India thereto shall be expressly applied for when the draft is reported to the Legislative Department of the Government of India”. I don't know whether under that rule this would be illegal.

The Hon'ble Mr. G. S. FORBES :—We have the general sanction of the Government of India to impose the small penalties in the Schedule.

His Excellency the PRESIDENT :—The sanction covers this.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES :—As against section 213 I would insert “house drain”.

His Excellency the PRESIDENT :—That is hardly a thing to be moved. That is accepted.

The Hon'ble Mr. G. S. FORBES :—I move that the entry relating to clause 245 be omitted. It is sufficiently covered by clause 243.

The Hon'ble C. Sankaran Nayar seconded the amendment.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES :—I beg to move that in the entry relating to clause 249 the words “Failure to remove fences, etc., after completion of work” in column 2 with the corresponding words “Fifty rupees” in column 3 be omitted. It is not covered by the section and therefore it has to come out.

His Excellency the PRESIDENT :—That is consequential and therefore I shall take it as accepted.

The Hon'ble Mr. G. S. FORBES :—I beg to move that in the entry relating to clause 306, for “306”, “306 (1)” be substituted and below the same entry the following be inserted, namely :—

“306		(4)		Failure to obey requisition to vacate		Twenty rupees for
				overcrowded building or room.		each day.”

The Hon'ble C. Sankaran Nayar seconded the amendment.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES :—I beg to move that in the entry relating to clause 315 the word “Unlawful” be inserted before each of the words “Bathing”, “Washing” and “Throwing” in column 2. This is a verbal amendment and is intended to make the provision clear.

His Excellency the PRESIDENT :—I shall take that also as carried.

The Hon'ble Mr. G. S. FORBES :—I move that in the entry under clause 330 after the word “license” in column 2 the words “or drying skin” be inserted. The Council would remember that in clause 330 we put in words to make it improper to dry skins.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES :—I beg to move that after the entry relating to clause 344 the following be inserted namely :—

“345 | .. | Breach of market regulations .. | Fifty rupees.”

We provided that the President may make market regulations, and this is the penalty for breach of those regulations.

The Hon'ble the Advocate-General seconded the amendment.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES :—I beg to move that in the entry relating to clause 383 the words “Act or” be inserted between the words “contrary to” and “by-laws” in column 2.

His Excellency the PRESIDENT :—That is only a verbal amendment and may be taken as carried.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in the entry relating to clauses 460 and 461 in column 3 the words "or imprisonment not exceeding two months" be omitted. All these penalties are only fines and we therefore propose to strike out imprisonment.

The Hon'ble C. Sankaran Nayar seconded the amendment.
The amendment was put and agreed to.

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Schedule XVI, as amended, was put and agreed to.

Schedule XVII.

The Hon'ble Mr. G. S. FORBES:—I beg to move that in the entry relating to clause 249 the words "Failure to remove fences, etc., after completion of work" in column 2 with the corresponding words "Ten rupees" in column 3 be omitted. This is inserted for the same reason as that which applied to the entry with reference to clause 249 in the preceding Schedule.

The amendment was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—I beg to move that after the entry relating to clause 342, the following be inserted namely:—

"345 | . . | Breach of market regulations . . | Ten rupees."

That is for a continuing breach.

His Excellency the PRESIDENT:—That is consequential and is accepted.
Schedule XVII, as amended, was passed.

Schedule XVIII.

The Hon'ble Mr. G. S. FORBES:—I have already explained that there have been certain difficulties about fixing the boundaries of the Esplanade. I think the military authorities are much to blame in not giving us the necessary assistance in this matter when the Bill went up to the Government of India. They simply returned the Bill without any proper check of the limits of the military zone. We are entirely dependent upon them for the exact boundaries, and we have found great difficulty in discovering what the military authorities regard as the finally settled limits. So far as we can, we have determined those boundaries, and they have been put in the Schedule. There is however power given in the Bill to alter the Schedules, so that if there is any mistake in the boundaries it may be rectified. I propose that for Schedule XVIII, the following Schedule be substituted, namely:—

SCHEDULE XVIII.

AREAS AND BOUNDARIES OF THE ESPLANADE.

(See section 464.)

The Esplanade means the following three areas of which the boundaries are as follow:—

1st. *The Monument Esplanade* (excluding Popham's Esplanade road).—Bounded on the north by straight lines drawn from stone to stone, between M.D. Zone Mark No. 27, on the North Beach road, opposite to the High Court and a point, 165 feet westward, from Mark No. 24 in the straight lines between Zone Marks Nos. 24 and 23, where it crosses the western compound wall of the Ordnance line abutting on Irusappa Maistri street, on the south by Fraser's Bridge road and North Fort side road, on the east by North Beach road, and on the west by Irusappa Maistri street.

2nd. *The Benfield Esplanade* (excluding Moore's road and Esplanade foot-path).—Bounded on the north by Fraser's Bridge road, on the south by the General Hospital road, on the east by the Wallaja or Benfield Esplanade road, and on the west by Nainiappa Naick street or Memorial Hall road.

3rd. *The Medical College Esplanade*.—Bounded on the north by the General Hospital road, on the south by the river Cooum, on the east by the Wallaja road, and on the west by the Medical College.

The Hon'ble the Advocate-General seconded the amendment.
The amendment was put and agreed to.

Preamble.

The preamble to the Bill was put and agreed to.

Title.

The title of the Bill was put and agreed to.

The Hon'ble Mr. G. S. FORBES:—Your Excellency,—I have now to close this debate with the motion that the Bill as now amended by the Council be passed into law. I have got really nothing to say beyond what I have so often repeated and it is unnecessary therefore for me to detain the Council after this very protracted discussion. I understand that certain Members of Government are to make observations on the general principles of the Bill. I have only to thank the Select Committee for their very arduous duties and the great assistance they gave me in shaping the final provisions of the Bill. I am specially indebted to the non-official Members, and among these I may specially mention the Hon'ble Mr. Prakasa Mudaliyar who attended nearly every meeting of the Committee except when he was prevented by sickness and Sir George Arbuthnot. The Hon'ble Mr. Govindaraghava Aiyar also rendered great assistance, but unfortunately he was not able to be present always owing to the distance at which he resides.

The Hon'ble Mr. M. HAMMICK:—I have great pleasure in seconding this motion.

The Hon'ble M. KRISHNAN NAYAR:—I am very sorry, My Lord, that I think it my duty to oppose this motion to pass the Bill into law. I am not going, My Lord, to detain the Honourable Members of this Council and Your Excellency for any length of time, seeing that all of us have been engaged in the consideration of this Bill for four consecutive days, practically the whole of each day. We have considered the details of the Bill and discussed each of the clauses, so that it is unnecessary for me to refer to many of these details. Very many amendments have been moved, some of them have been carried and others have been rejected. Again, of the various amendments moved some are very important and others less important and others again are of a trifling nature. We are not now concerned with those amendments which are of a trifling nature, nor with the others which are, so to speak, of only a middling importance. Of the more important amendments I wish to refer to only two or three. One of these is the amendment relating to the privilege of interpellation. The amendment which was proposed has been carried, and I feel very much thankful to Your Excellency and the Honourable Member in charge of the Bill for having accepted it. In fact, it is, I take it, a very good provision and it will be of immense use on certain occasions. There is also another amendment which has also been carried and for which I feel thankful—that is, the amendment providing that the attention of the necessary authorities may be drawn to matters of waste in connection with Municipal property and similar matters. Those, I think, are among the more important amendments that have been proposed and accepted by the Government; and, as I submitted, we the non-official Members certainly feel greatly thankful to Your Excellency's Government for having accepted these amendments. Having said so much, Your Excellency will not, I hope, take me and those who agree with me as grumbling and discontented men, if we say that, with reference to the other provisions of the Bill which are far more important than these, the Bill is a highly retrograde and reactionary one and as such ought not to be passed into law. The most important provisions in the Bill are those relating to the constitution of the Corporation and those relating to the taxing of the people. With reference to the provision regarding the constitution of the Corporation, as the Bill now stands, the total number of Commissioners is 36 out of whom 20 are to be elected by the people at large. The number under the existing Act which is about to be repealed by this new Bill when it becomes an Act is 24. In the original Bill which was referred to the Select Committee the number of elected Commissioners was 16; but a change has been introduced after the Bill was referred to the Select Committee and that number has been raised to 20. For that we are no doubt indebted to the Select Committee, but really that is no concession. In fact, in seeing whether the raising of 16 to 20 is really a concession, the 20 is to be compared not with reference to the 16 of the original Bill but with reference to the 24 of the existing Act. The Hon'ble Sir George Arbuthnot referred in one of his speeches to what was mentioned by me at the time that this Bill was originally introduced in this Council, namely, that our European friends are generally birds of passage, in this country. I am sorry if our Honourable Colleague should understand it as casting any slur on the community to which he belongs. My Lord, there is no necessary conflict between Europeans and Indians. I referred to this even at the time when the Bill was referred to the Select Committee. There is no conflict between the interests of

the European portion of the City and those of their Indian brethren. Very often their interests and our interests are identical. We have found—I am glad it is so—members of the Chamber of Commerce and the Trades Association, not in their capacity as members of these bodies but as citizens of Madras, and their Indian brethren uniting together in making representations to Government when occasions arise. The latest instance which I can call to mind is the occasion on which the European portion and the Indian portion joined together in making a request to Government with reference to the then contemplated Beach Railway. I need hardly say that there are very many similar occasions. I refer to these things only for the purpose of showing that there is no conflict between the European portion of the City and the Indian portion of the City. Your Lordship will be pleased to observe that among the various amendments moved with reference to the provisions of the Bill by the non-official Members, there is not a single one which goes to totally deprive either the Chamber of Commerce or the Trades Association of their right to send representatives. No doubt there are some amendments which seek to restrict the number, but a majority of the amendments do not go to that extent. The Bill, as amended by the Select Committee, gives the Trades Association and the Chamber of Commerce each three members. The majority of the amendments that have been moved on the non-official side do not seek to restrict this number. But the chief objection was only with reference to the Harbour Trust Board and the Railway Companies being given representation. All these circumstances I refer to for the purpose of emphasising the fact that there is certainly no conflict of interests whatever between the two portions of the inhabitants that constitute the population of the City. But, My Lord, I must say that this Bill, so far as it refers to the principle of local self-government, is a retrograde measure. In fact, people have the right before this Bill becomes law to elect 24 Commissioners; and I submit, My Lord, that in spite of the arguments that have been advanced in this Council—I admit that there has been considerable force in many of the arguments—in support of the change contemplated, I have not been convinced that any necessity has been shown for reducing the number of elected Commissioners from 24 to 20. As the Bill now stands, the total number of Commissioners is 36. The necessary number required for the Chamber of Commerce, the Trades Association and other bodies can be supplied by reserving 12 seats and deducting these 12 from 36, we get 24, which might have been retained for election and these 24 might have been left undisturbed. I may be permitted to refer to one remark made by Your Excellency, when you closed in a sympathetic speech the debate when the Bill was introduced. Your Excellency was pleased to observe that local self-government in this country was an exotic plant. We are thankful to British statesmen for having planted that plant in this country though the question as to whether it was in existence before is one of controversy. I will take it that Your Excellency's observation that local self-government is an exotic plant is correct. We are thankful to the Government for having introduced it. Your Excellency was further pleased to observe that it is not likely that those who introduced the plant should wish to destroy it and that in order that the plant may thrive it is certainly necessary to water it and sometimes to prune it. But, My Lord, there is the danger of the pruning knife being applied in the wrong parts, and with Your Excellency's permission I venture to suggest that, in this particular instance, the pruning knife has been applied at a place where it ought not to have been applied. So far with reference to the most important provision of the Bill. Next in importance is the alteration with reference to taxation. With reference to increase in taxation, having regard to the interests of the Municipality and the sanitation of the City at large, probably it may be necessary to increase taxation, but the statement that I place before Your Lordship is that the increased taxation which has become necessary could have been met by an alteration in Schedule V by revising the professional-tax in the way suggested in the amendment moved to that Schedule. That too has not been carried. Another thing which could have been done was to improve the electorate. The whole Act has been recast, and certainly this was a very good opportunity for improving the qualification of the electorate and for enlarging the sphere of the electorate. No doubt something has been done towards that, for which we are extremely indebted to the Honourable Member in charge of the Bill, and we are also indebted to him for having reduced the qualification of the electors by reducing the qualifying tax from Rs. 25 to 20. I submit that the qualification of the electorate could have been improved better still and that has not been done. Considering that we have recast the whole law with reference to Municipal administration, this was a very good opportunity for doing it, but that has not been

done. With reference to the actual details of administration, many very desirable improvements have been made in the Bill. For that also, we are thankful to the Member in charge of the Bill and others who assisted him in the framing of the Bill. I do not know whether it is necessary to detain Your Excellency any longer. These are some of the observations which I desire to place before Your Excellency to explain the vote that I am going to give in regard to the motion made by the Honourable Member in charge of the Bill.

His Excellency the PRESIDENT:—The Honourable Member who has just spoken seems to be under a most extraordinary and incomprehensible misapprehension with regard to the nature and scope of the Bill which we have been discussing not only for the past four days, but for some six months past. I am all the more surprised at that, as my Colleagues and I all through have been very much struck with the ability and eloquence which he has displayed in discussing several provisions of the Bill. But before any other non-official Members associate themselves with his opinions or follow him in his vote, I think it would be as well if I reminded them what exactly is the nature and scope of the Bill. This Bill is, what I may call, a departmental Bill. It is not a Bill introducing any sweeping innovations or showy reforms and it is an absolutely necessary Bill of revision and improvement. It is a Bill to consolidate the existing Municipal Law and it is based upon the experience of great many years, which has shown that here and there improvements were necessary. The opportunity for introducing all these improvements at the same time occurred when it became imperative to increase the water-tax, and it was then we felt bound to undertake the amendment of the Municipal Law. The Honourable Member's attitude would be perfectly consistent if, although he objected to certain clauses of the

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Bill, yet, nevertheless, he voted for the Bill as a whole. Although he has admitted

that the Bill contains many useful and necessary provisions and although there has been nothing in his general attitude to show that he considered that the reform was altogether unnecessary, yet at the close of our discussion he gets up now and opposes the Bill *in toto*. I must say that I am extremely surprised at that attitude, because it does not seem to be either consistent or, if the Honourable Member will forgive me for saying so, quite reasonable. He would not have exposed himself to any charge of inconsistency whatever if he said that while he voted for the Bill still he reserved his right to the opinions which he had expressed on certain clauses. I can only repeat again that this Bill is absolutely necessary and I do not see how anybody can reasonably object to the passing of the measure. They may say that they object to certain provisions of the Bill. That is a course which is open to anybody and that is a matter of opinion. But when the expediency of consolidating and revising the whole Municipal Law has been admitted, and indeed it has never been questioned, suddenly at the close of the discussion to oppose the Bill does not seem to me quite a reasonable attitude. I must say, I hope, that other Honourable Members will not follow our Honourable friend's example and vote against the Bill. I think we can congratulate ourselves on having completed a useful and necessary piece of work, but one which has undoubtedly been very tedious and exhausting. It would have been still more tedious and exhausting but for the attitude of friendly compromise which has been adopted by all the non-official Members and which has gone very far to sweeten our labours. I hope that non-official Members also recognise on our part a consistent desire to give and take and to treat all matters of disagreement in a thoroughly amicable manner. As a matter of fact, points of disagreement have been very few indeed. As the Hon'ble Mr. Krishnan Nayar himself stated, they really amount to no more than this—the actual constitution of the Commission and the enhancement of water-tax. As regards the constitution of the Commission, the thing has been so fully discussed that it would be simply idle and waste of time for me to go into the whole question again. No doubt there have been differences of opinion. It is only natural and by no means surprising that the Indian Members of this Council should regard the matter from a different point of view to that of Government. But I think they will admit that the Government has gone some way to meet their views, and even though their eloquent endeavours to persuade us to go still further have not convinced us, I do sincerely trust that there is no real cause for dissatisfaction. After all, what has happened? The number of elected members has been decreased by four in order to introduce a principle, a principle which has been very generally admitted to be a sound one and to contain great capabilities for good. Honourable non-official Members will, I am sure, agree with me that all our differences of opinion have been thoroughly

honest on both sides, and that there can be no question whatsoever, from whatever point we may regard the question, whether it be from the point of view of Government or of the Indian public, there have been no motives except those of promoting the good government of the City of Madras; and when the Honourable non-official Members have stated their objections and their opinion, as indeed they have done not only with great force and eloquence but also in the most conscientious manner which I am sure my Colleagues appreciate as much as I do, they have done their duty. Their duty is over. Our duty continues, for we have to control the Municipality; and if time should prove that we have made mistakes in the provisions for that control which we have introduced into the Bill, it will be for us to take steps to remedy those defects. I think, therefore, that we can very well agree to differ on the small amount of disagreement which remains outstanding and leave it to time to prove whether the Government or the non-official advisers of Government have been right. As regards the enhancement of water-tax, that again has been very fully explained. It was absolutely impossible for Government to make any concession in this matter. We had no option at all. It was in effect an order of the Government of India which we could not question, and it has been threshed out and discussed for several years past in the fullest manner with the Municipality and with all the authorities concerned; and it has been proved beyond all question that the only possible means of increasing the taxation to the necessary amount was by the enhancement of the water-tax. If we had been able to give way on that point, we should gladly have done so. There was no desire on our part to maintain an uncompromising attitude on any point but in this matter there was really no room for concession. I will detain you no further. But there is just a word or two which perhaps I should say. A striking thing is that in the really important part of the Bill, in what I may call the working part of the Bill, those provisions of the Bill which constitute the administration machinery of the Municipality, there has really been no disagreement or difference of opinion whatever and there has been no interference with the labours of the Select Committee. Those of us who did not share in the labours of the Select Committee, owe them I think, a very great debt of thanks for the immense amount of care and trouble which they devoted to their task. Thirty-two meetings, early morning meetings of two hours each, crowded into six weeks, is no mean record when you remember that all the members of the Committee had professional or official duties to attend to and to occupy them for the rest of a long working day. The Hon'ble Mr. Forbes has acknowledged the individual assistance which he received from the Members of the Select Committee, and certainly it comes more appropriately from him than from me. I must say that during the sessions of the Committee when I felt it my duty to spur on those who were doing the business, I often felt conscience-stricken that I was not sharing in those labours myself. However, it is not a part of the President's duty to attend the Committees; but if I could have assisted, I would have gladly done so for I have strong objections to urging other people to do work which I am not actually sharing myself. I think some Members of Government thought rather hardly of me when I impressed upon them the necessity of passing the Bill this session. My reason for doing so is that this Bill has been considered for a very considerable time. The actual dates are these. We decided on legislation in March 1902. The Bill was drafted in July 1902 and approved by the Government of India in April 1903. It was then sent to the Municipal Commissioners in July 1903 and published in November 1903, that is six months ago, so that it has been six months fully before the public. It was introduced on the 18th of December ever since the 18th of December. The Select Committee as I have already said, held 32 meetings which lasted from the 4th of January to the 17th of March. It seems to me that no more appalling waste of time could be conceived than to throw away all that labour and to postpone the final passing of the Bill for another six months, for it was clear that it could not be taken up at Ootacamund. Our lawyer friends will agree with me, that to postpone a large piece of work for a period of six months means nothing less than having to recommence it. It is impossible to keep all the mass of details in your head for such a period when a great many other things intervene. It would have been necessary, therefore, if I decided on postponing the Bill to the next session, to recommence the study of it from the very beginning. That is why I hustled the official Members of the Committee over their labours. I hope they will agree with me that when the Bill is passed, it is a good thing that we have got it out of the way and they will be thankful that it will no longer be hanging over their heads. All the same, I must say there has been no undue haste in the consideration of the Bill. A period of six

months' discussion, so far as my experience goes, is quite as long as can be given to any legislative measure by any legislative assembly that I know of, that is continuously. Of course there are Bills which are introduced and are not passed by the end of the session in the House of Commons; and when this is the case they have to be reintroduced and commenced again from the very beginning, which again bears out my contention that to postpone the measure till the next autumn would have been in effect the recommencing of it. Honourable gentlemen, that is really all I have to say. If by what I have said I can persuade the non-official Members not to adopt an attitude of direct and uncompromising opposition to the passing of the Bill and so to destroy the effect of that attitude of friendly compromise to which I have already alluded and which has been a matter of very great gratification to my Colleagues and myself, I shall feel exceedingly satisfied.

The Hon'ble Sir GEORGE ARBUTHNOT:—I do not certainly propose to waste the time of the Council by going over the remarks that I made when the clauses in which I was specially interested came up for consideration. I am sorry that anything I said should have hurt the feelings of non-official Indian Members. I gladly give the assurance that nothing that I said was intended to hurt their feelings. What I now wish to say is that the amendment which was introduced with regard to the latter part of clause 5 was sprung upon us without notice, and I wish to explain my views with regard to it in order to justify myself before the commercial interests which I represent. The amendment in question was suggested by my Honourable friend Mr. Sankaran Nayar, and in modifying it slightly and putting it before us the Government has gone considerably beyond what the Hon'ble Mr. Sankaran Nayar intended. The Hon'ble Mr. Sankaran Nayar's amendment was that out of the remaining sixteen the Government should appoint not less than eight on the recommendation of such association or associations or classes of merchants or manufacturers or tradesmen as the Governor in Council may from time to time prescribe, thereby making it very definite as to the associations or bodies which ought to recommend being of mercantile interests. If we had a little more time the Honourable Member in charge of the Bill might have introduced a similar amendment and I am inclined to think it might have been so from what the Advocate-General said that it was a drafting amendment. What I wish to point out is that under the Bill now proposed to be passed into law it is open to Government, if they think it fit, to give power to the Madras Mahajana Sabha or to the Muhammadan Association to appoint two members and these two members will not, whether desirable or not, certainly represent the mercantile interests of Madras. When the Bill was originally introduced, 8 out of 32 were to be appointed to represent mercantile interests. That is, mercantile representation was one-fourth. Now that the number of Commissioners has been raised to 36 and possibly the strength of mercantile representation might be reduced to 6, we will have 6 out of 36 that is one-sixth instead of 8 out of 32 that is one-fourth to represent mercantile interests. I am not going to ask for any pledge from Government as they cannot give any pledge which will bind their successors. But it will be a satisfaction to me if an assurance could be given me that the idea of the Government although they could give no binding pledge, that the spirit of the amendment was not to reduce the number of mercantile representatives but the intention was to continue the idea of having eight representatives, subject to the determination of Government under special circumstances. I will not detain the Council further. Whatever differences of opinion there may have been about the constitution of the Council, I trust that, when it comes to the question of working, all the different classes of members will work together harmoniously and successfully. I am sure that if the Corporation has been effective and successful in the past it will be more effective and successful under the provisions of this Bill that is proposed to be passed into law.

The Hon'ble R. N. PRAKASA MUDALIYAR:—I think it is hardly necessary for making any speech considering the stage we have arrived at. Several non-official Members have proposed amendments. Some of them have been accepted and others rejected. Under the rules of debate we are bound by the decision of the majority. Even if we may be personally dissatisfied with several provisions of the Bill, we are bound as a body to accept the Bill. As His Excellency pointed out, the Bill has now been under discussion for a very long period and it has come to a practical end, and there seems hardly any necessity why it should be postponed. Of course it will be left to the Honourable Members to say either "yes" or "no". But I personally feel that no advantage could be gained by postponing the final passing of the Bill.

self-government, I must most emphatically disagree. I do not think there has been any ground for objecting to the passing of this Bill, as a whole. I entirely endorse what Your Excellency has said, and it seems to me that the attitude of Honourable Members in objecting to the passing of the Bill is totally incomprehensible. That they should say "we regret the presence in the Bill of this feature, viz., this curtailment of four seats" is quite proper, but that they should on that ground object to the Bill as a whole, a Bill which is of the very greatest advantage, seems to me, as Your Excellency has pointed out, incomprehensible. In saying that it is necessary to curtail the number of elective seats on the Municipal Council in the interests of the administration of the Municipality, I want to point out, and I must say in defence of myself, that I do not at all regard the working of the Municipality, as far as it is represented by this principle of election, as in any way satisfactory and that I regard the application of the elective principle to Municipalities as in many ways an unmixed evil. My experience of up-country has been that it is a very doubtful blessing, and that it has introduced into Municipal administration corruption, faction and many other evils from which it was originally free; and, speaking from my mufassal experience, I may say that many of the leading native gentlemen that I know have frequently complained to me that the introduction of election into Municipal administration was a very serious evil. I do not know whether they would say that openly. That is another matter. They have told me that, and I have no reason to doubt that they did not sincerely and honestly believe it. I may say that a leading native member of Madras society has expressed to me exactly the same opinion—a member who is a light of the congress. In conclusion, therefore, I must say that I do not regard this Bill as infringing local self-government, but I consider it entirely necessary for the best interests of the government of the City of Madras.

The Hon'ble Mr. J. Thomson:—I do not think it would be proper on my part to allow this Bill to pass the Council without a word from me. The proposed amendment of the Madras Municipal Act was one of the matters that came to me three years ago from my predecessor in office, and I am, perhaps, more responsible than any one else for the form in which it originally reached this Chamber. I have found no cause to interfere in the debates for the past two days, but now a few words seem both necessary and advisable.

The Bill treats of all things in which the people of Madras have necessary common interests, but the discussion over it has centred in the matter of the constitution of the Corporation and of the Standing Committee. As the present Act runs in section 8, three-fourths of the members of the Council shall, unless the Governor in Council otherwise directs, be appointed by election. It was perfectly open to Government to continue the existing legal provision and by an order in Council to alter the constitution of the Corporation without warning and without any discussion. But it seemed more straightforward and more becoming to set out the purpose of Government, and this was accordingly done. The net result has been that Madras has been convulsed for many months, but one advantage at least has been gained, namely, that the eyes of the community have been directed to this matter of representation by election.

I think it was high time for this to occur. It is now twenty years ago since India generally was stirred by the views of the Supreme Government or rather of His Excellency Lord Ripon directed towards the larger and more direct association of the people in public work, and the transfer to local bodies of considerable provincial and local revenues and expenditure. Madras, I imagine, regarded herself as not particularly backward in these regards; however, a committee sat and reported and one outcome of their deliberations was a recommendation that three-fourths of the members of Municipal Boards might be elected by the people. So far this Government has seen fit to confer the privilege of electing more than half the number of Members of Councils on only twenty-one municipalities not counting the Presidency town; but, to whatever extent this privilege of election has been conceded, the privilege has been

2 P.M.

deified and worshipped as local self-government. It is eighteen and-a-half centuries ago since a revolutionary traveller found among a people famed for wit, arts and eloquence an altar inscribed "to the unknown God" and devotions paid thereto. The cult, I may say, is not special to any country. Now I beg that none of you who hear me in this Chamber nor any one of the millions outside will assume or believe for one moment that I wish for or approve of any proposal which would in any way limit the ambition or the opportunities of those who may desire to serve the public. On the contrary, besides the liberal education it is to those who so devote themselves, the work that

falls on Government and on Government officials is such and of such magnitude that Government ought to and so far as I can answer for Government will welcome every honest and capable seeker of any public duty which Government can divest itself of. But observe that I say honest and capable, and that unless these qualifications are found in those seeking civic honours there is no justification in invoking "the bock granted by Lord Ripon" or any other phrase of adoration of which the real meaning and essence are not comprehended or not sought to be comprehended. I claim an excuse for plain speaking; this country has been kind to me for over thirty years and has a right to whatever wisdom I may have gathered during those years.

The results of conferring this power of election upon Municipalities have, not unnaturally, not been the same everywhere. Where Government have not parted with general immediate control by allowing a larger than half representation by election, a remedy for evils can be speedily applied; but if that control is given up wayward Municipal bodies have to be allowed to go on in their own courses till their conduct cannot be further tolerated. I concede without demur that a high standard of efficiency such as is exacted from Government officers cannot be looked for from Municipal Councils; and it is difficult to declare except in a very general way whether a Council is efficient or not, and difficult also to declare the degree of its efficiency or inefficiency. But although Government has not set up any very high standard, it has had to record that in ten of the twenty-one councils above noted the general results of administration for 1902-1903 have been unsatisfactory, and only six have maintained a satisfactory or fairly satisfactory character for five years past. Our experience in Tanjore where in recent years three Municipalities have been seriously found fault with has been most disheartening, for, if intelligence and leisure exist anywhere in the Presidency, they ought certainly to be found in Tanjore.

These remarks may appear to have only a distant connection with the town of Madras, but from my point of view they require to be given prominence. I have not heard imputations of any serious nature on the Municipal Commissioners of Madras such as come to me from other towns: it is their business qualification or business character that has come in for animadversion; and I am not singular in thinking that as a body they have not been quite equal to the high duties the law has laid upon them. I must be understood as not attaching this particular disqualification to all the elected members; on the contrary, some I have taken note of are efficient. It is true also that Government have not in the past found very serious fault with the City Municipal administration generally; but I am not prepared to say that they have expressed any very warm commendation, and I have no hesitation in saying that a higher plane of administration was called for, more particularly if, as is in my view necessary, Government is to come to its financial support in a marked degree in the near future.

Well, you know how this idea of supplying fresh blood was carried out in the Bill and you know also the commotion that resulted. Since the Bill went before the Select Committee, a substantial amount of concession was made in opening 20 of the 36 seats to election instead of the 16 in 32 as originally determined. I had hoped that this would soothe the self-respect which Government very unwillingly had wounded, and I would have been greatly disappointed to find that the original number of 24 elected seats has been pressed for in this Council and on reasons that seemed to me at least to have no cogency in them beyond this that 24 seats constituted the original privilege and therefore fell to be maintained. For the manner in which the rest of the Bill has been handled and discussed here in Council I have nothing but praise.

Now that the Bill has taken its final form I heartily wish it sufficiency and success. But I am constrained here and now to earnestly request those concerned to put a due appreciation upon and to seek to secure the full benefits of that representation by election which is conferred upon and clearly is valued (whether rightly or wrongly valued) by many in the City. I earnestly desire that proper men may be found ready to accept the responsibilities and duties of the Act and to discharge them as the Act has provided; but what is as much wanted in this regard is that the electoral body should be properly educated, by those capable of doing so, to a conception of what is due from it in the exercise of the franchise. If only proper candidates come forward, the electorate cannot go wrong; in their absence lies the danger. Last week three men came to see me each one of whom I would be glad to see serving on the Corporation. When I said so one shook his head and was too old, another was more emphatic and did not want it, and the third declined absolutely to be found sitting for a reason which

I shall not state to you. One and all were precise as to their personal inability to improve matters. The subject grew more serious and distressful when an old friend from a mufassal station came to see me. I had known him as a Municipal Commissioner earnest and enthusiastic, and I asked how the Commission was faring. He said he had nothing to do with it now and did not mean to any more, and that unless Government would put a stop to representation by election Municipal progress was doomed. I asked if he meant to include Madras City in his condemnation. He thought it might be made to work there if proper care were taken.

I tell you these experiences with sorrow and with some indignation; and I do so because I wish those here and all whom my words may reach, who have direct power and influence with the electorate, to seek earnestly to understand and make those concerned apprehend and understand that the privilege of election of members of our local bodies entails serious duties and that unless those duties are fully realized the body politic which is sought to be created cannot by any possibility be satisfactorily evolved and the process itself is eventually condemned and despised.

His Excellency the PRESIDENT:—Before I put the motion to the Council, I feel bound to reply to the question put by Sir George Arbuthnot. He asked for an assurance that clause 5 of the Bill as amended would be administered in the same spirit as was connoted by the original drafting. I gladly and readily give the Honourable Member that assurance, that is so far as it is in my competence to do it. So long as I am the head of the Government I will see that that clause is worked in order to give the mercantile community the representation which it was intended to give it. I cannot pledge my successors, but there is not the slightest doubt in my mind that the same policy would be continued by this Government. The question is that the Bill be passed into law.

The motion was put to the Council and agreed to, sixteen voting for and three against it.

His Excellency the PRESIDENT:—I now declare the Council adjourned *sine die*.

H. D. TAYLOR,
Ag. Secretary to Government, Leg. Dept.

Culivator

Proceedings of a Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Vic., cap. 67, and 55 and 56 Vic., cap. 14.

The Council met at the Council Chamber, Fort St. George, at noon, on Tuesday the 29th day of November 1904.

PRESENT:

His Excellency Sir JAMES THOMSON, K.C.S.I., Governor of Madras—*Presiding*.
The Hon'ble Mr. G. STOKES, C.S.I.
The Hon'ble Mr. G. S. FORBES, C.S.I.
The Hon'ble L. A. GOVINDARAGHAVA AIYAR Avargal.
The Hon'ble K. VASUDEVA AIYANGAR Avargal.
The Hon'ble Mr. M. HAMMICK, C.I.E.
The Hon'ble Mr. C. J. WEIR.
The Hon'ble Diwan Bahadur R. V. SRINIVASA AIYAR Avargal.
The Hon'ble Mr. J. N. ATKINSON.
The Hon'ble G. SRINIVASA RAO Avargal.
The Hon'ble M. KRISHNAN NAYAR Avargal.
The Hon'ble K. VENKATA RAO Garu.
The Hon'ble Sir G. G. ARBUTHNOT, Kt.
The Hon'ble GHULAM MUHAMMAD ALI SAHIB BAHADUR, Khan Bahadur, Prince of Arcot.
The Hon'ble Mr. H. BRADLEY.
The Hon'ble C. MUTTUKUMARASWAMI MUDALIYAR Avargal, Zamindar of Chunampet.
The Hon'ble Mr. A. E. CASTLESTUART STUART.
The Hon'ble P. S. SIVASWAMI AIYAR Avargal.
The Hon'ble V. C. DESIKA CHARIYAR Avargal.
The Hon'ble Mr. J. E. P. WALLIS (Advocate-General).
The Hon'ble Mr. J. TWIGG.

ADDITIONAL MEMBERS.

12 noon.

The Secretary reported that the following gentlemen had taken their seats as Additional Members of Council:—

The Hon'ble Mr. A. E. CASTLESTUART STUART.
The Hon'ble P. S. SIVASWAMI AIYAR.
The Hon'ble V. C. DESIKA CHARIYAR.
The Hon'ble Mr. J. E. P. WALLIS (Advocate-General).
The Hon'ble Mr. J. TWIGG.

QUESTIONS AND ANSWERS.

His Excellency the PRESIDENT:—Before we proceed to deal with questions admitted for answers, I deem it right to submit a word or two for the consideration of Honourable Members who exercise this privilege. As you know the rule runs that questions shall be submitted six clear days before the meeting day, although discretion is given to the President to admit any that are received later. For this present sitting we received 56 questions between the 17th and the 23rd instant, many of them—most in fact—with several sub-heads, and on the 24th, 16 more were received from two Honourable Members. I have had an analysis made of the questions, and find that of the 56 questions there are 43 that relate to matters not less than a month old,

and of the late 16 that 8 were of a like nature. It is possible that Honourable Members have little idea of the labour caused to hardworking officers by the privilege of interpellation when it is freely exercised; but I can assure them that it is far from small, and that answering has to be very carefully transacted. On the present occasion I felt bound to reject the questions that were received late in point of time, mainly because we had no opportunity to duly consider them and because I did not think that Government was being fairly treated by their late submission. I would now ask Honourable Members to send in their questions at as early a date as they conveniently can. By doing so, questions that may have to be put in late have a better chance of being attended to. Honourable Members will now put their questions.

The Hon'ble M. KRISHNAN NAYAR :—

I. (a) Will the Government be pleased to state whether they have an intention of abolishing the Physical Science chair in the Rajahmundry College?

(b) Having regard to the fact that the Rajahmundry College is the only first-grade college in the northern districts, and the only one where in these districts students are taught Physical Science, will the Government be pleased to retain the Physical Science chair in this college?

The Hon'ble Mr. Hammick :—

I. (a) The Government have no present intention of abolishing the Physical Science chair in the Rajahmundry College.

(b) It is not the fact that the Rajahmundry College is the only first-grade college in the northern districts, nor is it the only institution in those districts where students are taught Physical Science for the B.A. Degree Examination.

The Hon'ble M. KRISHNAN NAYAR :—

II. Seeing that according to the existing rules the Chairman of a Municipal Council who happens to be the Revenue officer in charge of the division in which the municipality is situated, is empowered to assess the municipal taxes payable by himself, and the Chairman who does not happen to be the Revenue Divisional officer is not so empowered, and having regard to the noticeable distinction which thus exists between official and non-official Chairmen, will the Government be pleased to apply the same set of rules to both classes of Chairmen and abolish the distinction?

The Hon'ble Mr. Hammick :—

II. The case is inaccurately stated in the Honourable Member's question. The distinction is between a Revenue Divisional officer who is a Chairman and any other Chairman whether official or non-official and not between official and non-official Chairmen as stated by the Honourable Member. This distinction arises not under any "rules" but under section 52-A of the District Municipalities Act, and any amendment of it can be effected only by legislation. The Government do not propose to legislate in the matter.

The Hon'ble M. KRISHNAN NAYAR :—

III. Will the Government be pleased to state—

(a) What is the average percentage of enhancement in the existing land revenue assessment in the Salem district due to the reclassification of soils according to the settlement now in progress?

(b) What is the difference in percentage between the enhancement caused by an increase of $12\frac{1}{2}$ per cent. in the existing assessment without any reclassification of soils and the enhancement caused by the reclassification of soils?

The Hon'ble Mr. Atkinson :—

III. (a) & (b) No general reclassification of soils is being made in the resettlement now in progress in the five southern taluks of Salem district. The classes of land which have been ordered to be reclassified are described in the settlement notification published in the *Salem District Gazette* of 5th April and the two succeeding issues. The percentage of enhancement on these lands, which are of very limited extent, cannot be ascertained until the settlement operations are completed.

The Hon'ble M. KRISHNAN NAYAR :—

IV. (a) Is it a fact that B. Venkoba Rao, who was the Taluk Head Accountant at Namakkal in the Salem district, was dismissed from the public service by the Collector of the district because he was believed to be the author or inspirer of an article that appeared in the *Hindu* in April last?

(b) Having regard to the 27 years of service which B. Venkoba Rao has put in, will the Government be pleased to either quash or at least modify the punishment inflicted upon him?

The Hon'ble Mr. Atkinson :—

IV. (a) & (b) The Government have received an appeal from Venkoba Rao against the Collector's order of dismissal, and have it now under their consideration.

The Hon'ble M. KRISHNAN NAYAR :—

V. Will the Government be pleased to state—

(a) What has been the total cost of the maintenance of the Agricultural College at Saidapet from the date of its establishment to the present day?

(b) What is the number of students who were trained in the college and who have taken agriculture for a calling?

The Hon'ble Mr. Hammick :—

V. (a) The total cost up to 31st March 1904 has amounted to nine and-a-quarter lakhs of rupees inclusive of nearly one lakh paid for scholarships.

(b) Since the establishment of the institution 512 students have been trained in it. Of these 472 appear to be alive on this date, of whom 27 are engaged directly in agriculture.

The Hon'ble M. KRISHNAN NAYAR :—

VI. Will the Government be pleased to sanction the grant of a small amount for supplying furniture to all the Village Munsifs' courts in the Presidency?

The Hon'ble Mr. Atkinson :—

VI. The Government are unable to accept the Honourable Member's suggestion.

The Hon'ble M. KRISHNAN NAYAR :—

VII. (a) Has the attention of the Government been called to an article under the heading of "Land Revenue Administration" published in the *Hindu* of the 28th July 1904, wherein it is stated that the lands of one Ranulapalle Venkatappa of Nyamaddala, in the Dharmavaram taluk of the Anantapur district, alleged to be valued at Rs. 800, were sold for arrears of revenue of Rs. 2-12-0 and purchased by Government for want of bidders?

(b) Is it a fact that Venkatappa paid the full arrears the next day after the sale and requested the local authorities to cancel the sale, and that his request was refused?

(c) If, as is stated, the Government themselves are the purchasers, will the Government be pleased to cancel the sale on receipt of the arrears of revenue and the expenses, if any, connected with the sale?

The Hon'ble Mr. Atkinson :—

VII. (a), (b) & (c) The Government have no information, but have called for it.

The Hon'ble M. KRISHNAN NAYAR :—

VIII. (a) Will the Government be pleased to adhere and give effect to G.O., No. 86 L., dated 16th January 1897, regarding the selection and pay of Local Fund Engineers and Assistant Engineers, and cancel G.O., No. 1261 L., dated 7th October 1903, and G.O., No. 91 L., dated 16th January 1904, on the same subject?

(b) Will the Government be pleased to state—

(i) What reasons they had for passing G.O., No. 1261 L. of 7th October 1903, while G.O., No. 86 L. of 16th January 1897, was in force?

(ii) Whether effect was given to G.O., No. 86 L., and whether any difficulty, and if so what, was felt in its actual working?

(iii) Whether, as stated in G.O., No. 86 L., Engineers "who are locally born and trained or locally trained" are not competent to perform the ordinary duties of Local Fund Engineers and Assistant Engineers?

(iv) What is the total number of District Board Engineers in this Presidency, and how many of these are "locally born and trained or locally trained"?

The Hon'ble Mr. Hammick :—

VIII. (a) The Government see no reason to cancel their orders No. 1261 L., dated 7th October 1903, and No. 91 L., dated 16th January 1904.

(b) (i), (ii) & (iii) District Boards had frequently found it impossible on the occurrence of vacancies to secure qualified and trustworthy men on the rates of pay sanctioned in G.O., No. 86 L., dated 16th January 1897, which scale was actually introduced.

The Government therefore found it necessary to sanction the offer of higher salaries and to fix these on the incremental system with the view of improving the position of District Board Engineers and as an inducement to steady and continuous work. The orders of 7th October 1903 and 16th January 1904, while not applying to present incumbents, do not in any way exclude the appointment of persons who are locally born and trained or locally trained if they are found suitable.

(b) (iv) There is a District Board Engineer for each of the 21 districts in the Presidency, and the names of these officers, except in the case of Anantapur and Malabar, are printed on page 274 of the Quarterly Civil List corrected up to 1st October 1904. The Government are unable to say definitely how many of them are locally born and trained or locally trained.

The Hon'ble M. KRISHNAN NAYAR :—

IX. Will the Government be pleased to state—

(a) whether their attention has been drawn to an article under the heading of "A Sad Case" published in the *Hindu* of the 28th April 1904, relating to the degradation of one Mr. Moss of the Forest Department, and whether the allegations contained in the article are substantially true? and

(b) whether, if they are true, the Government will kindly give some help to the widow and children of Mr. Moss?

The Hon'ble Mr. Atkinson :—

IX. (a) & (b) The Government have seen the article referred to. The allegations contained in it are substantially untrue. Mr. Moss was reduced by Government from the top of the second to the top of the fourth grade of Extra Assistant Conservators, and his promotion stopped for six months, on account of repeated acts of insubordination and inefficiency, extending over many years.

The Hon'ble M. KRISHNAN NAYAR :—

X. With reference to question IV, clauses (e), (f), (g) and (h), relating to the sales of land for arrears of revenue in the Wynaad taluk, asked in the meeting of this Council on the 12th April 1904, and the answer which the Government then gave, viz., the particulars asked for were not available, will the Government be pleased to state whether they are now available, and if not, whether they will call for and lay them on the table at the next meeting of this Council?

The Hon'ble Mr. Atkinson :—

X. The information desired by the Honourable Member has been called for and will be laid on the table when received.

The Hon'ble M. KRISHNAN NAYAR :—

XI. Adverting to the reply of the Hon'ble Mr. Hammick to question XIV at the meeting of this Council held on the 18th December 1903, will the Government be pleased to state what further consideration the conduct of Major Fearnside, referred to therein, has since received from Government?

The Hon'ble Mr. Hammick :—

XI. The matter received further consideration, and the Government arrived at the conclusion that as regards Major Fearnside, his transfer from Madras was sufficient.

The Hon'ble M. KRISHNAN NAYAR :—

XII. With reference to questions XVIII, XIX and the latter part of question LII regarding the amount and the number of persons assessed to income-tax for 1903-1904, asked in the meeting of this Council on the 12th April 1904, and the answer which the Government then gave, viz., the information sought for was then not available, will the Government be pleased to state—

(a) whether they have since called for the information required? and

(b) if they have not, whether they will call for it and lay it on the table at the next meeting of this Council?

The Hon'ble Mr. Atkinson :—

XII. (a) & (b) The total amount of income-tax collected in 1902-1903 was Rs. 29.35 lakhs, and in 1903-1904 Rs. 23.85 lakhs. There was, therefore, a decrease of Rs. 5.50 lakhs in the latter year. It is impossible to say how much of this decrease was due to the raising of the assessable minimum from Rs. 500 to Rs. 1,000. Government have no information as to the number of persons who, having been assessed in the year 1902-1903 in the class "from Rs. 500 to Rs. 1,000", were in 1903-1904 transferred to the class "from Rs. 1,000 to Rs. 1,250", nor do they consider it necessary to have statistics on the point collected.

The Hon'ble M. KRISHNAN NAYAR :—

XIII. (a) Is it a fact that the Collector of Bellary has promulgated the following order :—

"When water is taken from a Government source of irrigation to mould bricks, a charge may be imposed which should be fixed with reference to all the circumstances of each case, such as the quantity of water required and the period for which it is taken. Payment should be demanded in advance, but if water is taken without complying with such demand or without any previous reference to Government officers, the person so taking it should be prosecuted under section 379 or 447 of the Indian Penal Code."

(b) Will the Government be pleased to cancel the order?

The Hon'ble Mr. Atkinson :—

XIII. (a) & (b) Orders were issued to the Collector of Bellary last June to cancel the order in question.

The Hon'ble M. KRISHNAN NAYAR :—

XIV. (a) Is it a fact that by reason of the District Munsif's Court of Vayitri being situated near the southern extremity of the Wynaad taluk, the litigant public of the greater part of the taluk find it costly and inconvenient to transact business in that Court?

(b) Will the Government be pleased to locate the Munsif's Court which is situated at Vayitri in a more central place in Wynaad so as to afford greater convenience and facilities for conducting suits to the litigant public of the Wynaad taluk?

The Hon'ble Mr. Hammick :—

XIV. (a) The Government are not aware of any inconvenience being caused to the litigant public on account of the situation of the District Munsif's Court of Vayitri.

(b) The matter is one for the consideration of the High Court under section 5 of the Madras Civil Courts Act, 1873.

The Hon'ble M. KRISHNAN NAYAR :—

XV. Will the Government be pleased to state—

(a) Whether there are any lands on the banks of the Palar river which have been rendered unfit for cultivation by reason of the recent floods, and if so, what is their area?

(b) Whether the people of Virinchipuram, Gudiyattam and other places applied to the local authorities for remissions of revenue on these lands and with what result?

The Hon'ble Mr. Atkinson :—

XV. (a) & (b) The Honourable Member presumably refers to the floods of November 1903.

His attention is invited to the answer given to a similar question put by the Hon'ble Mr. Govindaraghava Aiyar at the meeting of this Council last December.

Government have not statistics of the exact areas rendered uncultivable.

As to the second part of the Honourable Member's question, it was reported last March that some of the ryots of Gudiyattam had applied for remission of assessment on their dry lands that had been affected by floods. The Collector recommended that, as some of the ryots had already applied for permission to relinquish their lands, instead of remission being granted, the ryots should be allowed to take that course. This recommendation as a very special case was approved by Government. No further information has been received from the Collector.

The Hon'ble M. KRISHNAN NAYAR :—

XVI. (a) Is it a fact that it is under contemplation to remove the Coimbatore hospital from the busy part of the town where it is now situated to its eastern end?

(b) If there is such a proposal, having regard to the convenience of a large majority of the people of Coimbatore, will the Government be pleased to veto it?

The Hon'ble Mr. Hammick :—

XVI. (a) It is under contemplation to remove the Coimbatore hospital from its present crowded and insanitary site and to build a new hospital in a good locality, to be approved by the Surgeon-General. The site has not as yet been finally selected.

(b) The answer is in the negative.

The Hon'ble M. KRISHNAN NAYAR :—

XVII. (a) Will the Government be pleased to state whether the work of the High Court on the Original Side has diminished, and if so, to what extent, since the establishment of the City Civil Court in 1892?

(b) If the work has diminished appreciably, will the Government be pleased to take into their consideration the desirability of abolishing the post of Deputy Registrar on the Original Side?

The Hon'ble Mr. Hammick :—

XVII. (a) In the following statement the average numbers of suits, insolvent petitions and sessions cases filed annually on the Original Side during the eleven years 1882—1892 are compared with the corresponding average numbers for the eleven years 1893—1903 :—

	1882—1892.	1893—1903.
Suits	363	266
Insolvent petitions	164	259
Sessions cases	60	42
	587	567

(b) The Government do not consider that it is possible to abolish the post of Deputy Registrar on the Original Side.

The Hon'ble M. KRISHNAN NAYAR :—

XVIII. Will the Government be pleased to state—

(a) Whether 40 is the average age of the Civil Apothecaries who have been made Civil Assistant Surgeons, third class, under G.O., No. 644, Public, dated 1st August 1904?

(b) Whether Rs. 100 is the monthly pay of these Civil Assistant Surgeons, third class?

(c) Whether it is necessary for these Assistant Surgeons to pass under the existing rules two septennial examinations, one at the average age of 47 and the other at the average age of 54, before they become entitled to promotion to the grades of Rs. 150 and Rs. 200, respectively?

(d) Whether, having regard to the difficulty of passing examinations at the ages of 47 and 54, the Government will direct the abolition of these two examinations, or order that, as stated in the Proceedings of the Government, Public Department, No. 639, dated 29th July 1904, after 21 years' service no examination is necessary for promotion in the case of these Assistant Surgeons?

(e) Whether, so far as the passing of these septennial examinations is concerned, the case of those Civil Apothecaries who are retained as Civil Apothecaries under G.O., No. 644, Public, dated 1st August 1904, is not better than that of those who are promoted to the rank of Assistant Surgeons?

(f) Whether, with reference to paragraph 8 of G.O., No. 644, Public, dated 1st August 1904, the Government will order that all Assistant Surgeons without any distinction whatever be regarded as Gazetted officers?

The Hon'ble Mr. Hammick :—

XVIII. (a) & (b) The answer to (a) and (b) is in the affirmative.

(c) Yes; but such of the Assistant Surgeons as have passed two septennial examinations as apothecaries will not be required to undergo any further examination for promotion.

(d) The Government are not prepared to abolish these examinations, except in the case of those referred to in the reply to (c) of the Honourable Member's question.

(e) The Government do not think so.

(f) The Government are not prepared to direct that all Assistant Surgeons shall be Gazetted officers.

The Hon'ble G. SRINIVASA RAO :—

XIX. (a) Is it a fact that out of the total number of convicts of the Presidency in the year 1903, 4,355 were juvenile offenders and that 660 of them were girls?

(b) The accommodation in the Chingleput Reformatory being only for 160, were the rest allowed to be in the company of the hardened elderly offenders?

(c) If so, will the Government be pleased to take steps to remedy this evil and provide for the useful bringing up of all the juvenile offenders without the contamination of the confirmed elderly criminals?

The Hon'ble Mr. Hammick :—

XIX. (a) The total number of juvenile offenders admitted into jails and subsidiary jails during the year 1903 was 469, of whom 134 were girls.

(b) The answer is in the negative. Separate cells or wards are reserved in almost all the jails in the Presidency for the detention of juveniles, and arrangements are made for the transfer of juvenile offenders to jails where such accommodation exists.

(c) To prevent the contamination of juvenile prisoners by association with confirmed criminals in jails is an object which the Government keep constantly in view.

The Hon'ble G. SRINIVASA RAO :—

XX. (a) Are the Government aware that the Municipal Council of Coimbatore passed last year resolutions to demolish and open out the congested portions of the town where plague was lingering and that the resolutions still stand a dead letter?

(b) Are the Government further aware that four successive Collectors of Coimbatore have personally visited the congested parts of the town and required the demolition of them but have not seen that the resolutions of the Municipal Council were promptly carried out?

(c) In view to check the recrudescence of plague in the town of Coimbatore and its spread into the taluks and thence into the adjoining districts, will the Government be pleased to direct that the overcrowded parts of Coimbatore town be fully opened out immediately?

The Hon'ble Mr. Hammick :—

XX. (a), (b) & (c) Proposals were received by Government in July last for opening up the congested portions of the town. Further information has been called for from the Collector, on receipt of which the subject will receive full consideration.

The Hon'ble G. SRINIVASA RAO :—

XXI. (a) Is it a fact that the grazing fees in the forests of Anantapur have increased from Rs. 3,000 to Rs. 30,000 within the last five years?

(b) Is it also a fact that the Hon'ble Mr. Sim recommended the reduction of the grazing fees by a third?

(c) Considering the poor condition of the ryots in the district of Anantapur, will the Government be pleased to adopt the recommendation of the Board and reduce the grazing fees by a third or as much as it may be possible?

The Hon'ble Mr. Atkinson :—

XXI. (a) The grazing receipts in Anantapur increased from Rs. 3,374 to Rs. 29,895 in the five years ending with 1902.

(b) The Board of Revenue recommended the reduction of grazing rates by one-third as a temporary and experimental measure.

(c) The Government consider that there is no good ground for reducing the rates. The existing rates are very moderate: and the increase in receipts is due mainly to illicit grazing and the illicit collection of fees by subordinates being put a stop to, and to natural and proper causes. In a district such as Anantapur where there are large areas of unreserved waste land, any increase in grazing receipts from reserves is in itself evidence that the fees charged are easily paid.

The Hon'ble G. SRINIVASA RAO :—

XXII. (a) Has the attention of Government been drawn to the article headed "Union Panchayats" in the *Hindu*, dated the 20th of August 1904, and to the fact pointed out therein, viz., that the members of the panchayats are official nominees?

(b) Will the Government be pleased to place the Union Panchayats on a popular basis so that the members thereof may be able to act independently without experiencing a feeling of subordination to the Chairman who is an official—a Sub-Registrar or an Hospital Assistant?

The Hon'ble Mr. Hammick :—

XXII. (a) & (b) The Government have now perused the article. The members of a Union Panchayat are not subordinate to the Chairman. The Government have on more than one occasion issued instructions that Government officials, other than village officers or medical subordinates, should not be appointed to these bodies, when competent non-officials are available. The Government do not consider that any special action is called for.

The Hon'ble G. SRINIVASA RAO :—

XXIII. (a) Is it a fact that the travellers' bungalow at Tuticorin is occupied by the Municipal office to the great detriment and inconvenience of the travellers?

(b) If it is a fact, will the Government be pleased to state why and how long it has been so used?

(c) Will the Government be pleased to direct that the Municipal Council rents some other building and vacates the travellers' bungalow and thereby save the travelling public from the hardship they are subjected to?

The Hon'ble Mr. Hammick :—

XXIII. (a), (b) & (c) There was a Government travellers' bungalow at Tuticorin which was transferred to the Municipality in 1872. It was closed in 1884 because, owing to the competition of private hotels, the Municipal Council could not maintain it except at a loss. The building was then made over to the Municipality on condition that it was kept in repair by the Council, who should hand it back when required to do so. The Government are not prepared to ask the Council to vacate the building which is now used for Municipal offices.

The Hon'ble G. SRINIVASA RAO :—

XXIV. (a) Is it a fact that the Land Revenue collections of the Presidency for fasli 1312 have exceeded the demand by Rs. 3,09,039?

(b) Is not this excess collection the result of the non-preparation of the pattas until the period of the jamabandi which generally comes off in the month of July after the kist-collecting period is all over?

(c) Are the Government aware that in the Presidency of Bombay the pattas are all prepared and given before December which is the beginning of the kist-collecting season?

(d) Will the Government be pleased to adopt the Bombay system and direct the issue of the pattas before the commencement of the kist-collecting season and thereby do away with the unnecessary holding of a jamabandi after the kists are collected?

The Hon'ble Mr. Atkinson :—

XXIV. (a) The fact is as stated.

(b) The Standing Orders of the Board of Revenue direct that the jamabandi of each taluk must be completed within the fasli year at latest, and with very rare exceptions under special circumstances these orders are observed; the various causes to which the excess collections are to be attributed are enumerated on page 12 of G.O., No. 327, dated 21st March 1904, which has been placed on the Editors' Table.

(c) & (d) The Government are not aware of the practice in Bombay. It is impossible in Madras for jamabandi to be completed so as to permit of the distribution of pattas as a rule before the kist months.

The Hon'ble G. SRINIVASA RAO :—

XXV. (a) Has the attention of Government been drawn to the leader in the *Madras Standard*, dated 29th October 1904, on the results of the University elections?

(b) Is it true that there was any improper canvassing, the Heads of Departments taking any part in the recent elections?

(c) Is it a fact that the results of University elections in Bombay and Calcutta were made public as soon as the poll took place?

(d) Will the Government be pleased to state the reasons, if any, as to why the result of the election of the 10 Fellows in Madras was kept a secret while the provision in clause (h) of section 12 of the University Act is clear on the subject?

The Hon'ble Mr. Hammick :—

XXV. (a) The Government have now perused the article referred to.

(b) & (c) The Government have no information on the subject.

(d) The question is unintelligible. It is not understood which Fellows are referred to. No election was kept secret. The attention of the Honourable Member is drawn to the provisions of section 12 (h) of the Indian Universities Act, 1904, under which the election of Fellows under that section requires the approval of the Chancellor and they cannot be declared Fellows till so approved.

The Hon'ble G. SRINIVASA RAO :—

XXVI. (a) Has the attention of Government been drawn to an article headed "Irrigation in Tinnevely" in the *Hindu*, dated 3rd October 1904?

(b) Is it a fact that the standing crops in the village of Kalakad in Nanguneri taluk have failed for want of water?

(c) If it is true, will the Government be pleased to direct that sufficient relief is given to the ryots concerned?

The Hon'ble Mr. Atkinson :—

XXVI. (a) The Government have now perused the letter referred to.

(b) They have no information as to the correctness of the facts alleged.

(c) The local Revenue authorities are competent to deal with the matter.

The Hon'ble G. SRINIVASA RAO :—

XXVII. In an article headed "Assessment on lands", in the third page of the *Hindu*, dated 3rd October 1904, Diwan Bahadur M.R. Ry. R. Raghunatha Rao Avargal asserts—

(a) that the poor dry lands owned by the largest number of cultivators are too highly assessed in Tanjore;

(b) that the wet assessment in Tanjore is more than 25 per cent. of the gross produce according to settlement account and that the same has been mathematically proved to be correct;

(c) that the outturn of the wet fields has, as a rule, been calculated at higher figures than the actuals;

(d) that more than half of his wet lands yields considerably smaller outturns than those fixed by Government;

(e) that his endeavours to have the state of things corrected have proved futile without any hearing being allowed to him; and

(f) that the statement of the Government of Madras, viz., that if one-fifth of the value of the gross produce be taken as the Government revenue, the revenue of Madras will be doubled, is not correct.

Has the attention of Government been drawn to the above strong assertions and will the Government be pleased to state if they (the assertions) are correct or establish their incorrectness by facts and figures for the benefit of the public?

The Hon'ble Mr. Atkinson :—

XXVII. (a) to (f) The assertions made in the letter referred to, which the Government have now perused, relate to the settlement of Tanjore which was completed ten years ago for a period of thirty years and cannot now be reopened for discussion.

The Hon'ble G. SRINIVASA RAO :—

XXVIII. (a) Is it a fact that in one of the two Mission High Schools in Negapatam Bible lessons have been made compulsory in all the classes, while in the other an attempt was made to convert a Hindu student to the Christian religion?

(b) Is it not the policy of the Government to secure a religious element in education without placing any practical hindrance on it, when the people of the country wish for it?

(c) Are the Government aware that His Excellency Lord Ampthill stated in one of His Excellency's public utterances that religious instruction is of paramount importance in the education of the young, whether they be Christians, Muhammadans, or Hindus, and that the study of religion is too much neglected by the rising generation of Hindus?

(d) While so, are the Government aware that the Director of Public Instruction has refused departmental recognition to the new National High School that has been started at Negapatam by the leaders of the Muhammadan and Hindu communities, satisfying all the requirements of the Educational Department?

(e) Is it a fact that the committee of the National High School, Negapatam, has applied to the Director of Public Instruction requesting the reconsideration of his order and submitted a memorial to His Excellency the Governor in Council praying for the recognition of the institution?

(f) Will the Government be pleased to give their best consideration to the matter and direct that the new National High School at Negapatam may be duly recognised?

The Hon'ble Mr. Hammick :—

XXVIII. (a) The Government have no information on the subject.

(b) For an authoritative statement of the present policy of Government in regard to religious instruction in aided schools the Honourable Member is referred to paragraph 25 of the Resolution of the Government of India which is published in Part I-B of the *Fort St. George Gazette*, dated 22nd March 1904.

(c) A report of His Excellency Lord Ampthill's speech delivered at Nellore in October 1903 appeared in the public press at the time.

(d), (e) & (f) The Government received a few days ago a memorial from the National High School Committee, Negapatam, wherein it is stated that the Director of Public Instruction has refused to recognize their school. The memorial is under consideration.

The Hon'ble G. SRINIVASA RAO :—

XXIX. (a) Is it a fact that, after due enquiry and inspection, the Settlement officers of 1870 arrived at the conclusion that what are called "the baling wet lands" in the district of Salem could not bear an assessment higher than that which was then imposed on them?

(b) In the case of such lands, have the irrigational facilities been since improved to any extent, or has any increase of water-supply been guaranteed to them?

(c) If not, will the Government be pleased to hold that such lands ought not to be subjected to any increased assessment under the new principle of general percentage enhancement of the current rate of assessment?

The Hon'ble Mr. Atkinson :—

XXIX. (a), (b) & (c) In applying the scale of rates fixed for the Salem district in 1870 to "baling wet lands", the next lower rate to that at which the land would otherwise have been assessed was imposed in most cases in order to compensate for the extra cost of baling.

In all other districts the practice has for many years been to grant a fixed remission of a certain percentage of the ordinary assessment on baling lands: and in order to bring Salem into line with other districts, such lands in Salem are now being inspected and assessed at the rates corresponding to those at which they would have been assessed in 1870, if they had not been baling lands. From the assessment so determined, the fixed percentage remission on account of baling will be deducted.

(b) Since 1870 the position of some of the lands has been improved and baling is no longer necessary.

(c) Baling lands have benefited by the general rise of prices since 1870 to no less an extent than other lands in the district, and there is therefore no reason why they should not be subjected to the increased rates which are applicable to the whole district.

The Hon'ble G. SRINIVASA RAO :—

XXX. (a) Is it a fact that the copyists in the District Courts of the Presidency are not entitled to any kind of leave (casual, privilege or even sick leave) and that their service is not pensionable?

(b) Is it also a fact that the copyists' department attached to the District Courts of the Presidency leaves a surplus after meeting the cost of all its establishment?

(c) Will the Government be pleased to order that the service of the hard-worked copyists may be made pensionable with the privileges enjoyed by the inferior servants of Government?

The Hon'ble Mr. Hammick :—

XXX. (a) Copyists in the District Courts are paid according to the work done. They are not borne on the permanent establishment and the leave and pension rules applicable to Government servants do not apply to them.

- (b) It is not possible to give separate figures for the receipts and charges of the copyist establishments of District Courts since in every district, except Salem, copies applied for in the District Court are prepared by a central copyist establishment which also prepares copies for other courts (Sub-Judge's and District Munsif's). The total receipts during 1903 for all central copyist establishments in which the copyist work of a District Court was done were Rs. 1,02,699 and the direct charges during the year were Rs. 92,563.
- (c) The Government see no sufficient reason to adopt the course proposed.

The Hon'ble G. SRINIVASA RAO :—

XXXI. (a) Are the Government aware that Mr. Dance, the Collector of Chingleput, has issued a circular order enjoining the subordinate officials to bring to notice all cases of interception of rain or drainage water by means of ridges or field embankments in view to charge them with water-rate or penal assessment?

(b) Has the circular order had the approval or the sanction of the Board of Revenue or the Government?

(c) Will the Government be pleased to state, if they know, or call for a report of the circumstances which have led up to the issue of the circular?

The Hon'ble Mr. Atkinson :—

XXXI. (a), (b) & (c) The Government have already called for information in the matter.

The Hon'ble G. SRINIVASA RAO :—

XXXII. Will the Government be pleased to lay on the table the information called for by the Hon'ble P. Ratnasabhapati Pillai Avargal in question XI put by him at the meeting of the Legislative Council held on the 6th day of April 1903 regarding the increase of revenue in the districts in which the new revenue settlements have been introduced?

The Hon'ble Mr. Atkinson :—

XXXII. A statement containing the information desired was laid on the table in April 1903.

The Hon'ble G. SRINIVASA RAO :—

XXXIII. (a) Has the attention of Government been drawn to the circular published in about ten pages of the *District Gazette of Malabar* for the month of June 1904 enjoining the adoption of the form in which the District Collector and his subordinates are to be addressed and stating that communications addressed otherwise than in the prescribed petition form will be summarily rejected?

(b) Under the Standing Orders of the Board of Revenue the functions of prescribing forms of communication being with the Board of Revenue and the Government, will the Government be pleased to direct the withdrawal of the circular order?

The Hon'ble Mr. Atkinson :—

XXXIII. (a) & (b) The Government have perused the circular in question. They consider that it should be largely modified and orders will be issued to that effect.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXIV. In connection with the reply to my questions XXXVII (a), (b) and (c) put at the meeting of the Council on the 12th April last, will the Government be pleased to state what the various Departmental Codes, Regulations and Standing Orders are to which reference was made in the reply?

The Hon'ble Mr. Hammick :—

XXXIV. The lists of the publications available to the public will be found from time to time in the *Fort St. George Gazette*.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXV. (a) Will the Government be pleased to state what the amount of the income-tax is for the year 1902-1903 assessed on incomes above Rs. 1,000 and below Rs. 1,250?

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(b) Will the Government be pleased to state what the amount of the income-tax is assessed for the year 1903-1904 and how much of it is assessed on incomes above Rs. 1,000 and below Rs. 1,250?

The Hon'ble Mr. Atkinson :—

XXXV. (a) The income-tax collected in the year 1902-1903 on incomes above Rs. 1,000 and below Rs. 1,250 was Rs. 2.15 lakhs.

(b) The amount of income-tax collected in the year 1903-1904 was Rs. 23.85 lakhs, of which Rs. 3.31 lakhs was on incomes above Rs. 1,000 and below Rs. 1,250.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXVI. (a) Are the Government aware that a High school by name the "National High School" has been established at Negapatam in which religious as well as secular instruction is given to the Hindu and Muhammadan pupils of the school?

(b) If the reply to the above question is in the affirmative, will the Government be pleased to state whether the "National High School" is the only institution at Negapatam wherein instruction in the Hindu and Muhammadan religions is given to the pupils therein in the respective religions of their fathers?

(c) Will the Government be pleased to state whether the National High School at Negapatam fulfils the conditions of recognition as required by the Educational rules? And if it do not satisfy any of those conditions, will the Government be pleased to state which of those conditions are not so satisfied?

(d) Will the Government be pleased to state whether the managers or the promoters of the above school have applied to the Director of Public Instruction for the recognition of the school under the Educational rules?

(e) Will the Government be pleased to state whether the Director of Public Instruction has refused recognition on the ground that from an educational point of view the needs of the locality do not warrant the recognition of a third High school at Negapatam?

(f) If the reply to the above question is in the affirmative, will the Government be pleased to ask the Director to reconsider the order and direct him to recognise the school on the ground that instruction is given in the Hindu and Muhammadan religions to the pupils in it?

The Hon'ble Mr. Hammick :—

XXXVI. (a), (b), (c) The Government have no information as to the nature of the instruction imparted in the National High School, Negapatam.

(d), (e) & (f) The Honourable Member is referred to the answer to question XXVIII (d), (e) & (f).

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXVII. Will the Government be pleased to publish the papers containing the views of the officers consulted with reference to the creation of the new district of Guntur and to the fixing of the divisions and the territorial limits of Gódvári, Kistna, Guntur and Nellore districts?

The Hon'ble Mr. Hammick :—

XXXVII. The Government are not prepared to publish the views of the officers consulted before these new districts were created.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXVIII. Will the Government, before passing final orders on the redistribution of the Central and Southern districts, be pleased to publish their proposals regarding the same and their reasons therefor with a view to elicit public opinion thereon?

The Hon'ble Mr. Hammick :—

XXXVIII. The Government will not undertake to publish their proposals.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XXXIX. (a) Are the Government aware that in Chingleput district Achukattu lands or lands enclosed by field ridges or embankments are charged with water-rate and penal assessment on the ground that the ridges interfere with the free flow of rain and drainage water to irrigation sources?

(b) Is the practice in vogue in other districts also?

(c) Has the attention of Government been drawn in connection with the water-charge on Achukattu lands to an article headed "An arbitrary Revenue order" and published in the *Hindu* of the 10th October last?

(d) Will the Government be pleased to put a stop to this practice wherever it exists?

The Hon'ble Mr. Atkinson :—

XXXIX. (a), (b), (c) & (d) The Honourable Member is referred to the answer to question XXXI.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XL. (a) Will the Government be pleased to state whether in the opinion of Government the pay and position of the Assistant Surgeons in the Madras Presidency have been assimilated to those of the other provinces within the meaning of paragraph 6 of the resolution of the Government of India, Home Department, No. 1141-50, dated 22nd August 1898?

(b) If the reply is in the affirmative, will the Government be pleased to move the Government of India to sanction the senior grade for this Presidency to give the Assistant Surgeons prospects of further promotion after reaching the first grade on Rs. 200 after fourteen years of service?

The Hon'ble Mr. Hammick :—

XL. (a) The answer is in the affirmative.

(b) The Government are unable to make any statement in the matter at present.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLI. With reference to the statement in G.O., No. 905, Revenue, dated 17th August 1904, that forest revenue under grazing rose in Anantapur district from Rs. 3,000 to Rs. 30,000, will the Government be pleased to state how much of the said amounts is covered by seigniorage fees and how much by compensation taken from trespassers?

The Hon'ble Mr. Atkinson :—

XLI. The figures quoted in the Government Order for the first three years comprise grazing fees proper only. Those quoted for 1900-1901 and for 1901-1902 include respectively Rs. 1,150 and Rs. 2,800 on account of compensation taken from trespassers.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLII. (a) Will the Government be pleased to state whether Mr. Scott, the Collector of Anantapur, issued a circular to the Sub-Magistrates in the district showing the fines or the rates of fines levied in forest cases by the various Sub-Magistrates and calling on them to fine heavily in such cases and also to consider the advisability of imprisoning offenders in such cases?

(b) If so, will the Government be pleased to cancel the order or direct the Collector to withdraw it?

The Hon'ble Mr. Hammick :—

XLII. (a) & (b) The Government have no information on the subject, but will call for a report.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLIII. Will the Government be pleased to call for a statement of the number of forest cases disposed of by the Sub-Magistrate of Tadpatri from the 1st April to 30th October 1904 and the punishments awarded in such of the cases as ended in conviction and a similar statement for the corresponding period of the last year?

The Hon'ble Mr. Hammick :—

XLIII. The information will be called for and supplied to the Honourable Member.

The Hon'ble L. A. GOVINDARAGHAVA AIYAR :—

XLIV. Will the Government be pleased to state whether the owners of cattle, sheep and goats living in the borders of forest reserves in Anantapur district have disposed of them in large numbers and, if so, can the Government give information as to the number of cattle, sheep and goats so disposed of?

The Hon'ble Mr. Atkinson :—

XLIV. The Government have no information on the subject of the Honourable Member's question and cannot obtain it.

The Hon'ble G. SRINIVASA RAO :—

XLV. (a) Is it finally decided that the district of Madura is to be split up into two districts?

(b) If so, before the details of division are finally settled, will the Government be pleased to place them before the public so as to have the benefit of suggestions, if any?

The Hon'ble Mr. Hammick :—

XLV. (a) The answer is in the negative.

(b) The Government are not prepared to publish the proposals.

The Hon'ble G. SRINIVASA RAO :—

XLVI. (a) Is it a fact that on the 10th of October 1895 the Periyar water came in a large volume and so overflowed the banks of the Suruli river that the rich and valuable lands on both its sides with the costly gardens on them were badly swept away?

(b) Is it also a fact that since then the bounds of the Suruli river have got contracted and its course deepened with the result that the old channels branching from the river and the lands on its sides do not benefit by the water that runs deep in the Suruli?

(c) Have the owners of such lands in Uttamapalayam division been put to irreparable loss and were they told that they would be compensated if their lands were permanently damaged?

(d) Will the Government be pleased to state the extent of lands, wet and dry, that have been actually damaged in Uttamapalayam, the number of ryots affected, and the number, if any, that have been compensated for the loss sustained by them?

(e) If the information is not available, will the Government be pleased to call for a report and place it on the table and cause the necessary relief to be granted?

The Hon'ble Mr. Atkinson :—

XLVI. (a), (b), (c), (d) & (e) The whole matter is under the consideration of Government.

The Hon'ble G. SRINIVASA RAO :—

XLVII. (a) Is it a fact that in the Native States of Travancore and Cochin there are regulations imposing on every religionist the obligation to obtain the sanction of the Darbar to the use of any new place as a place of public worship?

(b) Is there any similar provision of law in force in British India?

(c) Is it a fact that a similar enactment was once strongly recommended for this Presidency by the members of the Malabar Land Commission, the Board of Revenue and the Judges of the High Court?

(d) In view to secure immunity from religious feuds and disturbances and to further promote good feelings among the various religionists of the land, will the Government be pleased to take early steps for the passing of a law requiring sanction to the use of new places for purposes of religious worship, procession or other demonstration?

The Hon'ble Mr. Hammick :—

XI.VII. (a) Yes.

(b) No.

(c) In 1884 the Malabar Land Commission drafted a Bill for controlling the erection and use of all buildings intended to be used as places of public worship and recommended that the Act should apply to Malabar only, but provided for its extension to other parts of the Presidency by notification. In 1885 the Board of Revenue supported a proposal that the acquisition of sites for religious edifices and burial grounds for all classes of the community should be considered "a public purpose", and that the land required for such purposes should be acquired under the Land Acquisition Act. Two Judges of the High Court approved of the draft "Places of Public Worship" Bill, and the opinion of the other Judges of the High Court at the time are not on record.

(d) The Government are not prepared to move in the matter.

The Hon'ble G. SRINIVASA RAO :—

XI.VIII. (a) In forest offences is it not a fact that the District Forest Officer fixes on a slip attached to the crime report the amount of compensation for the damage alleged to be caused and that such compensation is very often 40 or 50 times the amount of the injury?

(b) Is it also a fact that circulars have been issued by the District Magistrates or by some of them calling upon the subordinate Magistrates to be guided by the rate fixed by the Forest officers?

(c) Will the Government be pleased to state, if they know, or to ascertain the districts in which such circulars are issued and direct their withdrawal, as they have the effect of immensely fettering the discretion of the Magistrates?

The Hon'ble Mr. Hammick :—

XI.VIII. (a) As stated District Forest Officers may specify the amount for which forest cases may be compounded. The amount of composition is a matter within the discretion of the District Forest Officer, but the Government have repeatedly issued instructions that it is not to be fixed at too high a rate.

(b) & (c) The Government are not aware that any such circulars are in force in any district.

The Hon'ble G. SRINIVASA RAO :—

XLIX. (a) Are the Government aware that the British India Steam Navigation Company, which works between Negapatam and the Straits Settlements, hurts the religious feelings of the passengers—whether Muhammadan or Hindu—by compelling them to take the meals supplied by the Company, without allowing them to cook their own food, as they used to do some time ago?

(b) Will the Government, whose policy is not to disturb the religious feelings of their Indian subjects, be pleased to direct the Company to allow such passengers as may desire it to cook their own meals on board and thereby encourage and afford facilities to sea voyage and foreign travel?

The Hon'ble Mr. Hammick :—

XLIX. (a) & (b) The matter is one which is regulated by the Native Passenger Ships Act, 1887, and the rules made by the Government of India under the Act.

The Hon'ble G. SRINIVASA RAO :—

L. (a) Is it a fact that kaval fees under Regulation I of 1816 are still being collected on inam lands in the district of Tanjore?

(b) If so, will the Government be pleased to direct its discontinuance as being opposed to the provisions of the Village Cess Act and the Madras Act IV of 1893?

The Hon'ble Mr. Hammick :—

L. (a) The answer is in the affirmative.

(b) The Government do not consider that the collection of the fees is illegal.

The Hon'ble G. SRINIVASA RAO :—

LI. (a) Is it a fact that the Board of Revenue declined to receive a letter addressed by the Tanjore District Association praying for the republication of a rule regarding exemption from land-tax of lands bearing seedlings on the ground that the letter was not stamped with a two-rupees court-fee stamp?

(b) Will the Government be pleased to hold that the references and representations made by corporate bodies for the benefit of the public do not require to be stamped under the Stamp Law, as otherwise the usefulness of public bodies will be greatly impaired?

The Hon'ble Mr. Atkinson :—

LI. (a) The Board of Revenue declined to pass orders on a memorial received from the President of the Tanjore District Association on the ground that it was practically an appeal petition against an order of the District Collector and as such should bear a court-fee stamp of Rs. 2.

(b) The Government are unable to give the ruling desired by the Honourable Member.

The Hon'ble G. SRINIVASA RAO :—

LII. (a) Are the Government aware that the orders passed by the authorities on the representations made to them by the poor ryots are communicated to them "Service bearing", and that this procedure is felt by many as a great hardship?

(b) Will the Government be pleased to view the situation of the poor ryots with favour and direct that the communications to them are sent free of charges?

The Hon'ble Mr. Hammick :—

LII. (a) The answer to the first part of the question is in the affirmative, but the Government do not consider that it is a hardship that replies to representations made by private persons should be sent to them at their own and not at the public expense.

(b) The Local Government are not competent to issue any such orders; the attention of the Honourable Member is invited to the rules made by the Government of India on the subject which are reproduced as paragraphs 340 (1) and 344 of the Indian Postal Guide.

The Hon'ble G. SRINIVASA RAO :—

LIII. Will the Government be pleased to state—

(a) the number of appeals made from the orders of the Collectors to the Board of Revenue during the last five years; and

(b) the number in which the Collectors' decisions were reversed by the Board?

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MADRAS VILLAGE COURTS ACT AMENDMENT BILL, 1904.

The Hon'ble G. SRINIVASA RAO :—

LIV. Will the Government be pleased to state—

(a) the number of appeals from the orders of the Board of Revenue to the Government; and

(b) the number of cases in which the decisions of the Board were reversed by Government?

The Hon'ble Mr. Atkinson :—

LIII & LIV. The Government see no reason to compile the statistics asked for.

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The Secretary reported that the Madras City Municipal Act, 1904, which had been passed into law at the meeting of the Council held on the 15th April 1904, received the assent of His Excellency the Governor on the 2nd August 1904.

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

His Excellency the PRESIDENT :—I have the honour to announce that the Madras City Municipal Act, 1904, received the assent of His Excellency the Governor-General on the 12th September 1904.

THE MADRAS VILLAGE PANCHAYATS REGULATION AND THE
MADRAS VILLAGE COURTS ACT AMENDMENT BILL, 1904.

The Hon'ble Mr. G. STOKES :—Your Excellency, I will now, with your permission, introduce the Bill which stands in my name. It is a short Bill to amend two enactments—the Madras Village Panchayats Regulation, 1816, and the Madras Village Courts Act, 1888. The provisions of these enactments shortly are that the decrees of Panchayats and Village Munsifs' Courts shall, under certain circumstances, be executed by District Munsifs in whose jurisdiction these Panchayats or Village Courts are situated. The difficulty which has arisen and which has necessitated the introduction of this Bill is one which, I dare say, will probably surprise many Members of the Council, i.e., that there is in the Madras Presidency a tract—a tract of considerable extent and importance—in which there is no District Munsif's Court; hence the difficulty. The tract consists of the taluks of Coonoor and Ootacamund in the Nilgiris. The whole reason why there is no District Munsif's Court there is that there is a Subordinate Judge's Court, and there is no room for two Courts—a Sub-Judge's and a District Munsif's—and the nature of the work is such that it is much more conveniently dealt with by a Sub-Judge. If a District Munsif's Court is established, it will do about three-quarters of the work that has to be done, and so it is quite impossible to establish both a District Munsif's Court and a Sub-Judge's Court in that tract. The question then arose as to how this difficulty in the execution of the decrees passed under the Panchayats Regulation and the Village Courts Act was to be dealt with. Of course, the first suggestion was to appoint a District Munsif for that place, but, as I pointed out, that was impossible. It was then suggested that a District Munsif should, so to speak, *pro forma* be appointed who could deal with this portion of the work and from whom the whole of the rest of the work could be transferred to the Sub-Judge, but obviously that was a clumsy and round-about arrangement, and from many points of view it was clearly not desirable. In fact, it would cause greater trouble than the evil it was intended to deal with. For there are many applications and motions made when a plaint is presented, which can only be made in the Court which has to deal with it. The obvious expedient to meet the difficulty was to continue the arrangement which really existed since 1888—because it was only lately any difficulty has been experienced—that was, that the Sub-Judge should be declared District Munsif for the purposes of these enactments and should execute the decrees of these Courts. A question, however, was lately raised, and the High Court came to the conclusion that a Sub-Judge could not under the existing law be declared a District Munsif for the purposes of these enactments since the District Munsif and the Sub-Judge could not be one and the same person under the Courts Act. Consequently

THE MADRAS PORT TRUST BILL, 1904.

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Government decided that the best way to deal with the matter was to legalise by a short Act the existing arrangement. That is done in the draft Bill before us by declaring that if there is no District Munsif in the tracts in which these Courts are situated, the Sub-Judge should be regarded as District Munsif for the purposes of these enactments and if there is no Sub-Judge, then the District Judge should be regarded as District Munsif. The remedy is, therefore, simple and plain. I therefore now move that this Bill be read in Council under Rule 34.

The Hon'ble Mr. M. HAMMICK :—I have great pleasure in seconding that motion.

The motion was put and agreed to unanimously.

The Secretary then read the title of the Bill.

The Hon'ble Mr. G. STOKES :—The Bill having been read in the Council, it is now my duty to move that the Bill be not referred to a Select Committee. In the explanation that I gave, I pointed out that the difficulty which is being dealt with was a purely legal one and that no facts of any kind were involved in the discussion of the Bill. Therefore there can be really no work for the Select Committee to do. In such a case as this, it would be a mere waste of time to refer the Bill to a Select Committee for consideration. I hope, therefore, that the Council will accept the motion that I have made that the Bill be not referred to a Select Committee.

The Hon'ble Mr. G. S. FORBES :—I beg, Your Excellency, to second the motion.

The motion was put and agreed to unanimously.

The Hon'ble Mr. G. STOKES :—The next motion that I have to make with regard to this Bill is that Council Rule 46 be suspended and that the Bill be taken into consideration and passed into law at once. I make this motion because considerable inconvenience is being caused by inability to execute decrees of Village Courts in the tracts that we are dealing with. There is a very considerable amount of litigation in the Village Courts, and a large number of applications come up annually for execution under these enactments to the Subordinate Judge. It is therefore causing a deal of inconvenience that the Court at Ootacamund cannot deal with these applications. It is necessary, therefore, that the Bill should be brought into force as soon as possible.

The Hon'ble Mr. M. HAMMICK :—Your Excellency, I second the motion.

His Excellency the PRESIDENT :—Under rule 70 of the Council Rules the Council may at any time suspend any of the rules.

The motion was put and agreed to unanimously.

12-40 P.M.

His Excellency the PRESIDENT :—
The Bill therefore is now passed into law, so far as this Council is concerned.

THE MADRAS PORT TRUST BILL, 1904.

The Hon'ble Mr. G. S. FORBES :—There is a motion standing in my name to introduce a Bill to amend and consolidate the law relating to the Port Trust of Madras. I beg Your Excellency's permission to postpone the introduction of this Bill. There has been some correspondence with the Secretary of State, which it was believed would have been completed by this time, but it has not been found possible to do so. Accordingly I request Your Excellency's permission to postpone the motion standing in my name.

His Excellency the PRESIDENT :—As it is impossible for us to proceed with the consideration of the Madras Port Trust Bill, there is nothing to be done except to let it stand over. The business of the meeting has been transacted and I accordingly declare the meeting dissolved.

12-45 P.M.

H. D. TAYLOR,
Ag. Secretary to Government, Leg. Dept.



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ASSEMBLED FOR THE PURPOSE OF MAKING
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